

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
JULY 18, 2005

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Vice Chairperson Jerry Peckumn at 9:45 a.m. on Monday, July 18, 2005 in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Suzanne Morrow
Mary Gail Scott
Jerry Peckumn, Vice Chair
David Petty
Donna Buell
Lisa Davis Cook, Secretary
Henry Marquard – arrived at approximately 10:05

MEMBERS ABSENT

Darrell Hanson, Chair
Francis Thicke

ADOPTION OF AGENDA

Motion was made by Lisa Davis Cook to approve the agenda as presented. Seconded by David Petty. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Donna Buell to approve the June 20, 2005 minutes as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Liz Christiansen represented Jeff Vonk.

INFORMATIONAL ONLY

CONTRACT – R.W. BECK, INC. – WASTE CHARACTERIZATION STUDY

Jeff Geerts, Program Planner of the Financial and Business Assistance Section in the Energy and Waste Management Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$125,000 with R.W. Beck, Inc, pending successful negotiation of a contract, to complete a series of solid waste sorts at six permitted Iowa solid waste disposal facilities and a report characterizing the waste still landfilled in Iowa.

Iowa's last statewide waste characterization was published in 1998. Since 1998, many new solid waste management programs including source reduction, recycling, unit based pricing and composting have been implemented along with economic and demographic changes that have affected the waste characterization of Iowa. An updated statewide waste characterization will identify efforts needed to meet Iowa's 50% waste reduction and recycling goal, improve program efficiencies, strengthen economic development efforts, and improve Iowa's overall quality of life. The 1998 statewide waste characterization study can be reviewed at <http://www.iowadnr.com/waste/sw/files/charstudy.pdf>.

Solid waste tonnage fees collected on solid waste landfilled in Iowa and placed into the Groundwater Protection Fund are the revenue source for this contract. The contractor will provide to the Department the following services and products.

- Conduct one pre-sort workshop for participating solid waste facility operators and other interested parties to explain the sorting methodology and procedure.
- Determine which loads will be sampled during each sort.
- Provide staff and conduct waste sorts for a week at each of 6 sites in the fall 2005.
- Analyze the resulting 2005 statewide waste characterization data.
- Compare the 2005 sort data with the waste sort data from Iowa's 1998 statewide waste characterization study.
- Analyze sort data from all sort facilities and report any regional opportunities for diverting portions of the waste stream.
- Submit a comprehensive statewide solid waste characterization study final report.
- Deliver a presentation of the study results at an Iowa solid waste industry meeting or conference, such as the fall 2006 Iowa Recycling Association/Iowa Society of Solid Waste Operations conference.

The Department received four proposals in response to the Department issued request for proposals. All but one of the proposals provided alternative approaches to conducting the waste sort that would still provide the scientific data the Department requires but at a lesser cost. Here is a summary of the four proposals received and reviewed by the internal review team of Jeff Geerts, Jeff Myrom, Mark Warren and Tom Anderson of the Energy and Waste Management Bureau.

Bidder	Bid	Bid Alternative 1	Bid Alternative 2	Department's Review Score
DSM Environmental	\$263,342	\$140,000	\$158,782	75.75
Engineering Solutions & Design	\$185,000	\$128,000	None	76.75
Midwest Assistance Program	\$250,000	None	None	55.5
R.W. Beck	\$195,500	\$125,000	None	83.75

The Department recommends R.W. Beck, Inc as the contractor for the following reasons.

- R.W. Beck was scored the highest by each of the four Department bid reviewers.
- R.W. Beck has complete, more waste characterization studies than any other firm in the United States.
- R.W. Beck proposed to use professional, experienced waste sorts.
- R.W. Beck proposed the lowest overall bid that still meets the criteria of the Department's request for proposals.

At this time, the Department is requesting Commission approval to enter into a contract with R.W. Beck, Inc not to exceed \$125,000 subject to satisfactory negotiation of budget, project work plan, deliverables, and other requested information.

Motion was made by Donna Buell to approve the contract with R.W. Beck, Inc as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – DES MOINES AREA COMMUNITY COLLEGE – INITIATE AND OPERATE AN ONSITE WASTEWATER TRAINING CENTER

Daniel Olson, Environmental Specialist of the Wastewater Operations (NPDES) Section presented the following item.

The Department requests Commission approval of a contract amendment to add \$75,000 to the original \$110,000 agreement with the Des Moines Area Community College (DMACC) to initiate and operate an onsite wastewater training center. Total contract amount would be \$185,000.

USDA-Rural Community Development Initiative Grant Awards recently approved a \$75,000 grant to the IDNR for technical training of sanitarians in low income communities. This grant requires a 100% match which can be done with part of the \$110,000 EPA 319 Watershed

program funds already dedicated to this project. With the additional funds, the number of trainings offered can be at least doubled and more regional sessions offered. More outside resources can also be tapped to make the training more effective. Additional money can be spent on curriculum development and brochure printing.

Under the original contract a site was to be developed on the campus of DMACC to train sanitarians, installation contractors and other industry stakeholders in the proper installation and use of onsite wastewater (septic systems) technologies. Examples of most basic components as well as many proprietary units used in the onsite industry will be installed and used for demonstration purposes. All proprietary units will be donated and installed by the manufacturers. An advisory committee is established to assist DMACC to create and produce curriculum materials as well as lay out the training site. At least 10 training workshops were to be conducted under the original contract. County sanitarians will be able to attend for established minimum registration fees. The Iowa Onsite WasteWater Association will play an active role in both the advisory committee and in providing technical and organizational expertise. The intent is that the training center will continue to function long after this contract expires.

DMACC was chosen for this contract because of their central location in the state, their experience and expertise working with similar organizations and training programs and their willingness to provide an acceptable site on their campus.

Motion was made by Lisa Davis Cook to approve the Contract with DMACC as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

ENVIRONMENT FIRST FUND PRESENTATION

Deb Kozel, from the Legislative Services Agency presented the following item.

The Environmental First Fund was established by the 2000 General Assembly and funds projects that protect, conserve and enhance natural resources. The fund has a standing appropriation of \$35.0 million per year that began in FY 2001.

The funding sources come from the Rebuild Iowa Infrastructure Fund (RIIF), which primarily is funded through gambling activities. The Legislature determines which programs receive funding each year and then the Departments determine how program funding will be expended.

Department of Natural Resources funding projects for FY 2006 include:

- Resource Enhancement and Protection Fund (REAP) - \$11.0 million for program funding as specified in the Code of Iowa
- Marine Fuel Tax Capital projects - \$2.3 million for recreational projects related to boating, such as building boat ramps

- The Water Quality Network Program – \$3.0 million for water quality monitoring stations.
- Lake Dredging - \$1.5 million for lake restorations projects
- Water Quality Protection Fund - \$500,000 to carry out the federal Safe Drinking Water Act.
- The Geographic Information System (GIS) - \$195,000 to provide information to local watershed groups.
- State Park Operations - \$2.0 million for operations and maintenance activities at State Parks.
- Volunteer Coordinator - \$100,000 to support and coordinate local volunteer water quality efforts.

The Department of Agriculture and Land Stewardship and Department of Economic Development also receive funding from the Environment First fund

Copies of the Topic Presentations are available from the Fiscal Services Division or by accessing the website at <http://staffweb.legis.state.ia.us/lfb>.

INFORMATIONAL ONLY

CONTRACT – IOWA STATE UNIVERSITY – WETLAND PERFORMANCE MONITORING

Mary Skopec, Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a \$149,972 contract with Dr. William Crumpton to conduct wetland performance monitoring during 2005

The objective of this program is to determine the effectiveness of Iowa wetlands in reducing phosphorus loading to Iowa streams and lakes. The Iowa Department of Agriculture and Land Stewardship is currently providing funding to ISU in a five year project to determine reductions in nitrogen that occur in CREP wetlands. This project builds upon that existing framework to also include phosphorus monitoring. This is an important component in understanding water quality because it is unclear whether wetlands reduce phosphorus loading or in fact may increase phosphorus loading in some situations. The contract covers the following items:

- The contractor will collect water samples and measure flow rates at major inflows and outflows of each selected wetland during the primary period of flow from just after thaw to just before freezing.
- The contractor will analyze inflow and outflow water samples for phosphorous fractions and calculate phosphorous mass balances for each wetland.
- The contractor will collect other ancillary data and information relevant to the cycling of phosphorus in wetlands.

- Contractor will transfer all chemical data results to DNR in electronic form for submittal to the Iowa STORET database.

Funding for this contract comes from the Environment First Infrastructure Funds.

Mary Gail Scott asked about the studies and research that has already been done on regarding phosphorus and wetlands.

Mary Skopec said that it is a new field in the sense that early on in the wetland development stage there is evidence to suggest that wetlands can take up phosphorus because of plant growth. The question is as the wetland ages does it shift from an uptake to a discharge? Carp or other fish can be detrimental to a wetland, since they can stir up the bottom where phosphorus sometimes settles. We are now beginning to look at the biological aspect of wetlands, which is a whole new area for us.

Donna Buell asked how the Department works with the Army Corp.

Mary Skopec said that they are on our Wetland Technical Advisory Committee, which tends to be more for the performance of the wetland itself by trying to make sure that it has good water and habitat quality. We are not particularly on the same monitoring or wetland at the same time because of different goals.

Henry Marquard asked if the Department is coordinating their efforts with neighboring states.

Mary Skopec said that Iowa is ahead of the other states in looking at wetlands and the involvement of phosphorus. We will begin sampling as soon as possible.

Donna Buell suggested that Mr. Crumpton be in attendance at a meeting when we discuss nutrient standards.

Motion was made by David Petty to approve the contract with Iowa State University as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNIVERSITY HYGIENIC LABORATORY – AMBIENT WATER QUALITY MONITORING FOR FISCAL YEAR 2005

Mary Skopec, Section Supervisor of the Water Monitoring Section in the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Department requests Commission approval of contract in the amount of \$1,215,178 with the University Hygienic Laboratory (UHL) for water monitoring activities.

This contract encompasses the majority of surface water monitoring conducted as part of the state-wide water monitoring program and is the primary basis for assessing the state's stream water quality. The purpose of the monitoring program is to define the condition of Iowa's water resources, characterize existing and emerging issues by geographic extent and magnitude, measure changes or trends in Iowa's water quality, and provide information to citizens and decision makers. To meet these goals, the Department utilizes the University Hygienic Laboratory for field sampling and analytical services. As part of this contract, UHL collects water samples at 81 stream sites throughout the state on a monthly basis and analyzes the water for a variety of parameters including nutrients, pesticides, pesticide break-down products, bacteria, synthetic organic compounds, metals, and water chemistry. Twenty-seven of these sites are located upstream and downstream of 14 large cities to measure the influence of urban areas on surface water quality. Because many of the water quality parameters of interest reach their peak concentrations during high stream flows, seven sites are sampled more frequently during runoff events to assess the impacts of heavy rainfall on stream quality. Funding for the citizen monitoring program, IOWATER, is also provided through this contract and includes the costs associated with training workshops (Level 1, Level 2, and Level 2 modules), one staff position, and equipment for volunteers. The contract contains provisions for special water quality studies that allow the Department to follow-up or verify abnormal results or pursue questions in greater depth or to develop monitoring partnerships with local watershed groups to collect data on watersheds of interest. The contract also covers two GIS (Geographic Information System) staff positions to help the DNR with data management activities such as the development of the Department's One-Stop database, which integrates all the regulatory databases and locating facilities of interest.

Funding for this agreement is available from the State's Environment First Fund appropriated as part of the Iowa Water Quality Initiative.

Appendix A Ambient Stream Monitoring Agreement Budget		
DESCRIPTION	Fixed Payment	Variable Payment
Water Quality Monitoring		
Fixed Monitoring - Monthly - Analytical	\$428,110	
CITY Monitoring - Monthly - Analytical	\$141,260	
Fixed Monitoring - Monthly-Field	\$116,714	
Weekly Bacterial Monitoring (5 Class A Stream Sites)		
E. coli Analytical	\$1,725	
Field Sampling	\$6,077	
Monthly Plus Event Sampling - Field		\$22,779
Monthly Plus Event Sampling - Analytical		\$70,000
Follow-up Monitoring		\$100,000
IOWATER		\$120,000
Geographic Information Support		\$110,000
Shipping and Handling		\$3,000
Miscellaneous Field Equipment As Needed		\$5,500
Sub-totals	\$693,886	\$431,279
Facilities and Administrative Costs@8%	\$55,511	\$34,502
Totals	\$749,397	\$465,781
COMPLETE COSTS - ESTIMATED	\$1,215,178	

**Appendix B
Parameter List**

Temperature
pH
Dissolved Oxygen
Specific Conductivity
Ammonia Nitrogen
Nitrite + Nitrate Nitrogen
Total Kjeldahl Nitrogen
Dissolved Orthophosphate
Total Phosphate
Total Dissolved Solids
Total Suspended Solids
Turbidity
Hardness (as CaCO₃)
Chloride
Sulfate
CBOD₅
Total Organic Carbon
Fecal Coliform
Enterococci
E. Coli
Chlorophyll a
Silica
Common Herbicide Screen
Acid Herbicides
Organophosphate Insecticides
Chlorinated Hydrocarbon Insect and PCBs
Chloroacetanilide Herbicides
Sulfonylurea Compounds
Imidazolinone Compounds
Priority Pollutant Metals
ICP-MS Metals

Appendix C**Ambient Stream Sites**

STORET ID	STREAM	COUNTY
10300001	Little Sioux River nr Milford	DICKINSON
10030002	Yellow River at Ion	ALLAMAKEE
10210001	Ocheyedan River at Spencer	CLAY
10840001	Rock River nr Hawarden	SIOUX
10340001	Cedar River at Carville	FLOYD
10550001	E. Fk Des Moines R. at St. Joseph	KOSSUTH
10180001	Little Sioux River nr Larrabee	CHEROKEE
10220002	Volga River at Elkport	CLAYTON
10120001	Shell Rock River at Shell Rock	BUTLER
10090001	Cedar River nr Janesville	BREMER
10460001	West Fork Des Moines River nr Humboldt	HUMBOLDT
10070003	West Fork Cedar River at Finchford	BLACK HAWK
10070001	Beaver Creek nr Cedar Falls	BLACK HAWK
10100001	Wapsipinicon River nr Independence	BUCHANAN
10750001	Floyd River nr Sioux City	PLYMOUTH
10940001	Lizard Creek nr Fort Dodge	WEBSTER
10070004	Black Hawk Creek nr Waterloo	BLACK HAWK
10420001	Iowa River nr Gifford	HARDIN
10070002	Wolf Creek at La Porte City	BLACK HAWK
10400001	Boone River nr Stratford	HAMILTON
10810001	North Raccoon River nr Sac City	SAC
10970001	Little Sioux River nr Smithland	WOODBURY
10490001	North Fork Maquoketa River nr Hurstville	JACKSON
10490002	Maquoketa River nr Maquoketa	JACKSON
10670002	Maple River nr Mapleton	MONONA
10530001	Wapsipinicon River nr Olin	JONES
10370001	North Raccoon River nr Jefferson	GREENE
10850002	South Skunk River nr Cambridge	STORY
10820001	Wapsipinicon River nr De Witt	SCOTT
10160001	Cedar River at Cedar Bluff	CEDAR
10430002	Soldier River nr Pisgah	HARRISON
10500001	Indian Creek nr Colfax	JASPER
10770001	Beaver Creek nr Grimes	POLK
10250001	South Raccoon River nr Redfield	DALLAS
10920001	English River at Riverside	WASHINGTON
10430001	Boyer River nr Missouri Valley	HARRISON
10700001	Cedar River nr Conesville	MUSCATINE
10910002	North River nr Norwalk	WARREN
10910001	Middle River nr Indianola	WARREN
10910003	South River nr Ackworth	WARREN
10620001	South Skunk River nr Oskaloosa	MAHASKA
10580001	Iowa River at Columbus Junction	LOUISA
10630001	Whitebreast Creek nr Knoxville	MARION
10630002	Cedar Creek nr Bussey	MARION
10440001	Cedar Creek nr Oakland Mills	HENRY
10650001	West Nishnabotna River nr Malvern	MILLS

10040001 Chariton River nr Centerville	APPANOOSE
10360001 East Nishnabotna River nr Shenandoah	FREMONT
10730002 East Nodaway River nr Clarinda	PAGE
10730001 West Nodaway River nr Shambaugh	PAGE
10270001 Grand River at Davis City	DECATUR
10560001 Des Moines River nr Keokuk	LEE
10540001 North Skunk River nr Sigourney	KEOKUK
10220001 Turkey River nr Garber	CLAYTON
10030001 Upper Iowa River nr Dorchester	ALLAMAKEE
10640003 Iowa River upstream of Marshalltown	MARSHALL
10170002 Winnebago River upstream of Mason City	CERRO GORDO
10900003 Des Moines River upstream of Ottumwa	WAPELLO
10520001 Old Mans Creek nr Iowa City	JOHNSON
10990001 Iowa River nr Rowan	WRIGHT
10340002 Flood Creek at Greene	FLOYD
10970002 West Fork Ditch at Hornick	WOODBURY
10210002 Little Sioux River upstream of Spencer	CLAY
10210003 Little Sioux River downstream of Spencer	CLAY
10850003 South Skunk River upstream of Ames	STORY
10770002 Des Moines River upstream of Des Moines	POLK
10770003 Des Moines River downstream of Des Moines	POLK
10250002 Raccoon River upstream of Des Moines	DALLAS
10640002 Iowa River downstream of Marshalltown	MARSHALL
10940002 Des Moines River upstream of Fort Dodge	WEBSTER
10940003 Des Moines River downstream of Fort Dodge	WEBSTER
10170003 Winnebago River downstream of Mason City	CERRO GORDO
10070005 Cedar River upstream of Waterloo/Cedar Falls	BLACK HAWK
10070006 Cedar River downstream of Waterloo	BLACK HAWK
10570001 Cedar River downstream of Cedar Rapids	LINN
10570002 Cedar River upstream of Cedar Rapids	LINN
10520002 Iowa River upstream of Iowa City	JOHNSON
10520003 Iowa River downstream of Iowa City	JOHNSON
10900002 Des Moines River downstream of Ottumwa	WAPELLO
30220001 Big Spring at Big Spring Hatchery	CLAYTON
10220003 Bloody Run near Marquette	CLAYTON

Motion was made by Lisa Davis Cook to approve the contract as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTER 23 – NESHAP UPDATE

Christine Paulson, Environmental Specialist Senior in the Program Development Section of the Air Quality Bureau presented the following item.

The Commission is requested to give permission to the Department to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 23 “Emission Standards for Contaminants” of the 567 Iowa Administrative Code.

This rulemaking adopts by reference several National Emissions Standards for Hazardous Air Pollutants (commonly known as NESHAPS) which were promulgated by the United States Environmental Protection (EPA) into 40 Code of Federal Regulations (CFR) Part 63 between 1996 and 2003. The Department did not adopt these standards in the past because Iowa did not have source categories subject to the standards at the time. This status has not changed. However, the Department has a delegation agreement with EPA specifying that Iowa will adopt all federal NESHAPS. To fulfill this agreement, and to ensure that these federal standards are adopted should subject-sources locate in Iowa in the future, the Department is proposing these amendments.

The Department is not proposing to adopt any recent amendments to federal standards with this rulemaking. Federal standards amended or corrected through January 10, 2005 were included in the Department’s last general rulemaking, and were adopted by the Commission at the May meeting. Federal standards promulgated, amended or corrected after January 10, 2005 will be addressed in the Department’s next air quality general rulemaking, which is scheduled to begin later this year.

The NESHAPS proposed to be adopted either regulate source categories, or specify air emission control provisions for source categories, as follows:

Source categories are types of industries and the emissions control is a control type of technology and is a reference for other standards.

- ❖ Primary Aluminum Reduction Plants (source category);
- ❖ Tanks – Level 1 (emission control);
- ❖ Containers (emission control);
- ❖ Surface Impoundments (emission control);
- ❖ Individual Drain Systems (emission control);
- ❖ Oil-Water Separators and Organic-Water Separators (emission control);
- ❖ Semiconductor Manufacturing (source category);
- ❖ Taconite Iron Ore Processing (source category);
- ❖ Primary Magnesium Refining (source category); and
- ❖ Site Remediation (source category).

The inclusion of the NESHAP for Site Remediation is an addition from what was presented to the Commission for information at the June meeting. This NESHAP requires control of hazardous air pollutants (HAPs) emissions at major sources where remediation technologies and practices are used at the site to clean up contaminated environmental media (e.g., soil, groundwater, or surface water) or certain stored or disposed materials that pose a reasonable potential threat to contaminate environmental media. Site remediations already regulated by rules established under the Comprehensive Environmental Response and Compensation Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA) are not subject to these

standards. There are also exemptions in the NESHAP for short-term remediation and for certain leaking underground storage tanks.

The Department is not aware of any existing or proposed facilities that would be subject to the NESHAP for Site Remediation. It appears that the existing contaminated sites in the state would not meet the applicability criteria for this NESHAP, or would qualify for one of the exemptions in the rule. A facility subject to the Site Remediation NESHAP would be required to control specific HAP emissions from remediation process vents, material management units (e.g. tanks) and equipment leaks.

If the department is given permission to proceed with this rulemaking, a public hearing will be held on Friday, September 16, 2005, at 1:30 p.m. in the conference rooms at the Department's Air Quality Bureau located at 7900 Hickman Road, Urbandale, Iowa. All comments must be received no later than September 16, 2005.

Motion was made by Donna Buell to approve the NOIA – Ch. 23 as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE: AIR QUALITY PROGRAM RULES CHAPTER 20 – ADDITION OF DEFINITIONS FOR BIODIESEL FUEL, DIESEL FUEL, NUMBER 1 FUEL OIL AND NUMBER 2 FUEL OIL

Christine Paulson, Environmental Specialist Senior of the Program Development Section presented the following item.

The Commission will be asked to approve an amendment to Chapter 20 “Scope of Title—Definitions—Forms—Rules of Practice” of the 567 Iowa Administrative Code to add new definitions for “biodiesel fuel,” “diesel fuel,” “number 1 fuel oil” and “number 2 fuel oil.”.

A public hearing was held on June 14, 2005, at the Air Quality Bureau offices. No comments were received at the public hearing. One written comment was received prior to the close of the public comment period. The public comment period closed on June 20, 2005. The response to the written comment is provided on the attached responsiveness summary. In response to the written comment, one minor, administrative change was made from the Notice of Intended Action to the proposed final rule.

Summary of Proposed Final Rule

Biodiesel is a renewable, biodegradable liquid fuel derived from agricultural plant oils or animal fat. The most common type of biodiesel used in Iowa is made from soybean oil. Number 1 and 2

fuel oils are two distillate oils that are commonly used in internal combustion engines, and are sometimes used in boilers and combustion turbines. Diesel fuel is a low sulfur fuel oil that is also frequently used in internal combustion engines. Fuel blends of up to 2.0 percent biodiesel, by volume, also known as B2, are widely available, and appear to be readily usable in most internal combustion engines.

Based on the available data, blends of diesel, number 1 fuel oil, or number 2 fuel oils with up to 2.0 percent biodiesel, by volume, are not expected to result in measurable increases in air pollution. The Department will therefore define biodiesel blends at these specifications to be equivalent to unblended diesel, number 1 fuel oil, and number 2 fuel oils. Additionally, the Department will consider construction or operating permits with restrictions for diesel, number 1 or number 2 fuel oils to include this biodiesel/fuel oil blend.

This will provide a benefit to facilities that currently combust diesel fuel, number 1 or number 2 fuel oils and wish to consider using biodiesel/fuel oil blends because they will no longer be required to apply for modifications of construction permits to make this fuel change. If facilities wish to burn a biodiesel/fuel oil blend of greater than 2.0 percent biodiesel, by volume, emissions calculations and permits will need to be modified accordingly.

Background

The Iowa Association of Municipal Utilities (IAMU) approached the Department with information that some municipal utilities were interested in burning biodiesel in their internal combustion engines. Because emissions information was limited, the Department worked with IAMU and other interested parties during IAMU's air emissions testing of biodiesel/diesel blends in two diesel generators at a municipal utility.

The testing was conducted at Sumner Municipal Light. The two air pollutants of concern were particulate matter (PM) and nitrogen oxide (NO_x). The testing results showed that particulate emissions decreased with a 10% percent biodiesel blend (B10) in both engines tested. NO_x emissions decreased with B10 in one of the engines, but increased in the other engine.

Using B10 at Sumner resulted in about a 10% increase in NO_x emissions from the older engine. The newer engine showed a 13% NO_x decrease. There is not sufficient information, however, to determine if engine age, or some other unknown factor, accounted for the disparity in NO_x emissions.

It is known that new engines use electronically controlled fuel injection and intake air control, allowing for optimum fuel timing and air induction at all times, reducing combustion temperatures, and thus NO_x production. While older engines use mechanical injection and fixed air induction, improved results should be achieved in older engines by adjusting the mechanical timing and optimizing fixed air induction.

Although this technology could allow for some newer engines or retrofitted older engines to achieve reduced NO_x production, there is not enough emissions data currently available to allow

the Department to designate which engine years and models would qualify as “new” engines, or which engine years or models would be considered to be “old” engines.

The Department also reviewed an analysis of biodiesel emissions from mobile, heavy duty engines conducted by the United States Environmental Protection Commission (EPA). The EPA study showed that NO_x emissions increased with increased biodiesel concentration, although to a lesser magnitude than the results seen in the Sumner test. For example, when burning B10 in the mobile test engines, NO_x emissions increased an average of 1%. EPA’s analysis did not find any correlation between engine model year and the emissions from biodiesel.

It should be noted that the EPA study and the test results at Sumner cannot be directly compared. The mobile engines tested in the EPA study are much smaller than the stationary engines used at Sumner and other municipal utilities, and have different equipment and operating parameters. Additionally, the emission testing methods used in the EPA study are not the EPA- approved testing methods for stationary sources of air pollutants.

Based on the limited testing data at Sumner, along with data from the EPA analysis, it seems reasonable to assume that NO_x emissions from stationary, internal combustion engines are linearly related to biodiesel concentration. That is, an increase in biodiesel concentration may cause a similar increase in NO_x emissions.

Therefore, the Department cannot consider the NO_x emissions from a stationary, internal combustions engine from combustion of biodiesel blends greater than 2.0 percent biodiesel, by volume, to be equivalent to combusting unblended diesel, number 1 or 2 fuel oil.

The Department is receptive to proposing a rule amendment to allow a higher percentage biodiesel blend at such time as it can be supported by emissions testing data. The Department will also continue to work closely with facilities in calculating their emissions and expeditiously obtaining any needed permit amendments.

Motion was made by Henry Marquard to approve the final rule – Ch. 20 as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

ADOPTED AND FILED EMERGENCY – CHAPTER 65 – OPEN FEEDLOT REGULATIONS

Gene Tinker, Coordinator of the Animal Feeding Operations in the Environmental Services Division presented the following items.

The Commission is requested to adopt rules to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the amendments is to create a separate division within Chapter 65 for regulations pertaining specifically to open feedlots. Also, Iowa Code 2003: Section 459.309 directs the department to develop rules establishing design standards for

open feedlot basins. The proposed rules establish minimum design standards for manure and effluent control structures for open feedlots. Also included are construction and operation requirements for Alternative Technology Systems, as required in HF 805.

The department is requesting the Commission's permission to utilize a "double-barrel" approach, meaning that both emergency rule making and regular rule making processes will be implemented simultaneously.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION – CHAPTER 65 – OPEN FEEDLOT REGULATIONS

The Commission is requested to grant permission to proceed with rulemaking and publish a Notice of Intended Action to amend 567 Iowa Administrative Code Chapter 65 – Animal Feeding Operations. The purpose of the amendments is to create a separate division within Chapter 65 for regulations pertaining specifically to open feedlots. Design standards for open feedlot basins and other requirements from recent legislation, HF 805, have been incorporated into the rules. Also included are construction and operation requirements for Alternative Technology Systems, as required in HF 805.

Gene Tinker said that we were proposing that these rule be acted on today and recommend that the rules be "double barreled" and adopted emergency. The implications of rules adopted this way become effective immediately, while the other rule follows the normal public hearing and public input process. We have met with the Iowa Cattlemen's Association to go over these proposals. They have requested that we delay the emergency adoption of these rules until our August meeting to allow them time for review and for one more meeting to discuss any points of difference or agreement. That meeting is scheduled for July 27th. We have agreed that the delay is appropriate. We are no longer asking for any action today.

Henry Marquard agreed and understood that these rules should be delayed in order to receive more input from producers and environmental groups.

Jerry Peckumn asked about fees for the permits.

Gene Tinker said that there are currently no fees for permits. That would require legislative action.

INFORMATIONAL ONLY

PROPOSED RULE – CHAPTER 65 – TECHNICAL CORRECTIONS TO TABLE 1: MAJOR WATER SOURCES – RIVERS AND STREAMS

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

The department is requesting the Commission's permission to utilize a "double-barrel" approach, meaning that both emergency rule making and regular rule making processes will be implemented simultaneously.

The proposed rules will amend 567 Iowa Administrative Code Chapter 65. The purpose of the amendments is to make technical corrections to Table 1: Major Water Sources – Rivers and Streams. The current list has missing segments of some rivers and streams which will be corrected with these amendments.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

CHRIS GRUENHAGEN, representing the Iowa Farm Bureau submitted the following comments:

The Iowa Farm Bureau Federation is a voluntary dues paying organization of over 153,000 Iowans. Our mission is dedicated to helping farm families prosper and improve their quality of life. As part of this mission, we actively support and participate in voluntary watershed approaches to safeguard water quality. We believe that Iowa can both safeguard water quality and continue the use of our land for food production.

As one example, we award 5 grants annually of up \$2,500 each year to local communities to facilitate watershed projects. IN addition, the IFBF grants larger amounts to watersheds for specific efforts, such as a recent \$30,000 grant in the Hewitt Creek watershed in Dubuque County to target best practices chosen by farmers that protect groundwater and surface water.

While we have not yet seen the proposed rule for agenda item 21 – Chapter 61 - Water Quality Standards, we have concerns about redefining over half of our "perennial streams" without first doing an evaluation to determine whether any of these streams have enough water flow or other necessary conditions to support swimming and game fishing. We will have more specific comments for your consideration after review of the proposed rule.

We have also actively worked to stabilize funding for safeguarding water quality by working for such appropriations as \$2 million in water monitoring funds and the new \$5 million watershed improvement fund. There is no indication that increased revenue from the state or federal government is coming to pay for the consequences of the proposed initiative in agenda item 21. The key policy question for you to decide over the next month is how should these limited resource be spent?

We believe that these dollars are best spent on the ground in watersheds to put best practices in place to protect water quality. The Iowa Department of Agriculture and Land Stewardship (IDALS) and Natural Resources Conservation Service (NRCS) has several conservation programs in place to accomplish these goals; however, the demand for just five of the most popular programs outpace the available funding in 2005 by more than \$116 million (see Table 1). Had this state and federal match been available for farmers, this would have resulted in a \$232 million impact in one year to voluntarily protect water quality. Landowners are willing to invest in safeguarding water quality should additional cost share money become available.

We support the pragmatic approach that the department has been taking over the past several years on water quality standards. We do not believe that increasing spending on administratively redefining water bodies does much more than give false impressions about Iowa's water quality and force a redirection of resources from real water quality challenges.

The proposed rule has great potential for diverting our citizens' resources from real water quality challenges such as Clear Lake, Lower Gar Lake, Storm Lake, the Cedar River, and North Raccoon; major water bodies where people are more likely to really fish or swim. As shown by interest in IDALS' cost share programs, there is a sincere desire of Iowa Citizens to voluntarily safeguard water quality. We understand that because of limited resources, there is a clear need to target our scarce resources. Otherwise the balance set by Iowa citizens likely will be upset and resources taken away from accomplishing citizen priorities.

Resources should be targeted to address real water quality challenges rather than arbitrarily spent to administratively redefine water quality and force resources to be spent where aquatic life likely won't be improved because of natural conditions. Landowners are willing to voluntarily address water quality issues. We ask that you continue to give them that chance rather than create artificial expectations and redirect resources to address these new proposed regulations.

Thank you for your consideration.

Table 1 Federal/State Cost-Share Program Backlog – FY 05

Program	Dollars
EQIP (federal)	\$41.928 million
GRP (federal)	\$7.322 million
WHIP (federal)	\$0.124 million
WRP (federal)	\$62.34 million
IDALS Cost share	\$4.7 million
Total	\$116.414 million

Sources: USDA Natural Resource Conservation Service and Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation.

JANE MCCALLISTER, Attorney representing CDI, LLC and their two plants in Charles City and Forest City.

At the April EPC meeting, CDI was referred to the Attorney General's office for enforcement. One of the issues at the Forest City plant was whether the facility was operating at levels higher

than the emission rates allowed by the permit. CDI said that the issue could be immediately resolved if the permit amendment that was applied for over two years ago was in fact issued by the department. If the permit amendment was given by the department that would bring them into immediate compliance. I came back to the Commission in May to request that you monitor the progress of the permit. CDI is still without a permit. I have discussed this with EPA and they have informed us that we need to get the permit from the Department.

CDI is requesting that the commission monitor the progress of the permit and encourage the Department to promptly address this issue.

DEBORAH NEUSTADT, representing the Sierra Club made comment regarding the water quality standards. The department has talked to me about how many of the streams are degraded. They have this General Use classification. They mentioned that they use these streams as a place for sewage to be assimilated. I see this idea of limited flow concept and revising the General Use classification as a turn around from that idea. Because the Clean Water Act precludes the presumption that fishable/swimmable uses exist or are attainable. States must protect for full fishable/swimmable uses, unless they provide careful case by case basis that some other fishable/swimmable uses are reasonably attainable. These two rules turn around the idea that our streams can be used to dump sewage and that our streams should be treated as fishable/swimmable.

ERIN PFEIFFER, representing the Iowa Association of Municipal Utilities said that they are satisfied with the decision to classify bio-diesel without the additional paperwork. This decision streamlines the process and sets good standards for using bio-diesel. We want to compliment the department for their efforts.

STEVE VEYSEY, Hawkeye Fly Fishing Association said that the change in Chapter 61 Water Quality Standards is the right path. I would like to thank the administrator and his staff for their efforts.

Item 22 – Warm Water protocol

I feel even more strongly that the Warm water protocol should be reconsidered. There are some potential technical elements that have merits but there are also some deficiencies. The board overview of the warm water protocol seems more like the bottom/up approach. We should reconsidered and modify the warm water protocol so it becomes part of the use attainability analysis process.

In DNR's role to fix problems, Environmental Services Division (ESD) needs to be aware of the perceived political and economic resources that are available to fix problems but those perceptions should not influence the regulatory and enforcement decisions. When DNR fails to regulate and enforce, accept where they believe that financial and political resources are perceived as present and adequate, then I think we all lose. The DNR does not need to shoulder the entire burden of fixing Iowa's aging infrastructure. They do need to regulate and enforce delegated federal clean water act programs.

ROBERT BAUMANN, a citizen from Iowa said that I have spent the last 50 years trying to improve water quality in Iowa streams. Robert read a quote from the Des Moines Register dated on March 17, 1977 called Pessimistic Clean Water Outlook. "...even if all the wastewater plants were able to remove all the sewage, that would account for only about ten percent of the stream pollution. The rest comes from farm run-off in the form of silt, fertilizer and pesticides." Lower down in the article it goes on to state, "...Dr. Don McDonald of the University of Iowa's Civil Engineering Department who has done extensive studies on the Coralville Reservoir said that he has never seen a fish kill caused by municipal pollution. All was caused by farm land run-off. It would be a better use of the money, if the sewage treatment funds were diverted to controlling soil erosion."

There is data on phosphorus in Iowa streams. Back in 1968, I started a program of sampling in Des Moines and Raccoon Rivers above and below. Also in the Saylorville and Red Rock Reservoirs above and below. That study is still being continued at Iowa State University and we have over 40 years of data. Only partial assessment and analysis of that data has been done dating back to a paper published in 1988, based on data collected through 1983. I want to quote from the analysis of that data, "It was also shown that further progress in the control of suspended solids and total phosphorus inputs into the Des Moines River system downstream from Saylorville Reservoir must include a program to reduce the suspended solids contributed by the Raccoon River otherwise the benefits of suspended solids and total phosphorus removal by the Saylorville Reservoir will not extend beyond the contours of the two rivers." This underscores a crucial issue in the whole area of water pollution control. The beneficial effects of minimizing the input of pollutants from one source can not be realized if inputs from other sources are left uncontrolled. You can reclassify all the streams in Iowa. You can force Iowa towns and cities to spend billions more to remove less than one percent of what is now going into Iowa streams. We would be much better off if the state, federal government and the public put up their own funds that help reduce land run-off effectively. Iowa has 18.5 million swine on feed at the present time. Just the swine in Iowa produce manure that is equivalent to the pollution of 90 million people. So when it rains, we get that kind of run-off into our streams. We would be much better off if Iowa built wastewater treatment plants and brought all of the animal manure together and treated it. We aren't even looking at the cost estimates for that. We won't see any improvement in our streams until we control land run-off.

KEVIN JACOBSON, representing the City of Story City said that the proposed changes for Chapter 61 will affect about 357-491 communities or facilities. At the cost of \$500 - \$900 million dollars. This may only improve the water quality in rivers and streams by two to three percent. Ninety-five percent of the problem comes from non-point source pollution. I feel this would be an undue burden for the communities by implementing these standards. A majority of the communities would be small and unable to afford the changes. There is a limit to the resources that are available. The reason you are not hearing a lot from communities today is because they do not even know about the proposed changes.

TED PAYSEUR, representing IWPCA (Iowa Water Pollution Control Association) said that the DNR staff and the Finance Authority have done very good work with the improvement of the SRF.

Regarding Item 21 – Chapter 61 – Water Quality Standards, I think we need to look at the rules and regulations to understand the impact and what kind of results we will get for our dollars. It's going to take a lot of money to solve this but let's make sure we're on the right path.

LINDA KINMAN, from Des Moines Water Works submitted the following comments in regards to the Drinking Water and Clean Water State Revolving Loan Funds.

Originally passed in 1974, the Safe Drinking Water Act (SDWA) is a federal law enacted to protect the public's health from contaminants in drinking water. Under the law, the U.S. Environmental Protection Agency (US EPA) sets national standards for drinking water, which the states must meet or exceed. If a state fails to meet its responsibilities, the federal government can step in and enforce the standards.

The Drinking Water State Revolving Loan Fund (DW-SRF) was created in the SDWA and is federally funded, but administered at the state level by the Iowa Department of Natural Resources (IDNR). These funds were established to:

- Provide funding for upgrading facilities to meet state and federal drinking water regulations
- Create a fund that is sustainable.

The Iowa Association of Water Agencies (IAWA) supports additional funding for watershed/wellhead protection and if one source of additional funding is the State Revolving Loan Fund (SRF) we will encourage its use, but only if it does not jeopardize the program for drinking water systems. We are also supportive of the sponsored project concept, again if it does not jeopardize the programs use for drinking water systems. While supportive of these concepts, we also have some concerns and clarifications that need to be considered before such decisions are made. These are:

- **Water systems have few options for obtaining infrastructure funding.** The SRF is a critical resource option to medium and small drinking water systems, which often have the most difficult time complying with federal and state regulations.
- **SRF funding is a loan program not a grant program.** There are more opportunities for non-point source funding through current programs (CRP, CSP, 319 Funding, etc.) which are usually grants and more attractive to producers and watershed groups because they don't have to be paid back. It has been suggested that the SRF be used for low-no interest and forgivable loans. We encourage a critical look at the sustainability of the SRF fund if these types of loans/grants are made available.
- **Drinking water infrastructure is a water quality issue that translate to a public health issue.** Recent discussions seem to elude the fact that infrastructure improvements are water quality issues. Facilities must be upgraded and maintained to insure drinking water meets state and federal drinking water standards. This is the whole premise of the SRF program in the first place. DNR is currently updating the infrastructure needs report for Iowa; but the last estimate (based on 1999 dollars) showed that over the next 20 years infrastructure needs for drinking water are \$2.8 billion waste water is \$821 million.
- **Additional review and improvements to the SRF application process are still needed.** While some improvements to the SRF application process have been made,

in most cases it still requires filling out the same forms a system has to complete if they were bonding on their own; no money is received up-front so the utility must obtain bridge financing to pay vendors and then be reimbursed by the SRF program; the reimbursement of expenses does not allow the system to earn interest on their money during the project like they can with bonding, where all the funding is received up-front; and complying with federal cross-cutters can still be time consuming and cause project delays.

- **The SRF is perceived as one fund/one program; and while the funding is one fund – the administration of the DW-SRF and Clean Water SRF programs is totally separate and differs in how they can be used.** A couple of years ago the Iowa Finance Authority (IFA) recommended combining these funds to allow better leveraging of additional funds. However, the uses of funding in both SRF programs are different. The DW-SRF is more restrictive in its use and makes available the least amount of funding for source water protection. The CW-SRF on the other hand has, in recent years, made additional funding available for source water protection. (DW-SRF was established for drinking water systems and CW-SRF was established for waste water systems.)
- **The perception of how much money is “sitting idle” needs to be clarified.** In other words, the funding available for source water protection projects through the SRF program is not clear. We have asked the DNR to convene a meeting of all stakeholders to clarify all funding and options available through the SF program. Stakeholders could then work to reach consensus on the actual amount of SRF money available for source water protection, especially if the funding is low-no interest loans or grants. (I’ve been told that the IFA is developing a sustainability analysis).
- **Funding for both SRFs may be decreasing in the future.** The US EPA announced June 24th, 2005 a revised allocation formula for the DW-SRF which will decrease Iowa’s allocation from 1.84% to 1.25%. This again questions the sustainability of the SRF fund.
- **DNR does not have access to the funding in Senate File 200 and the EPC will not be approving the projects awarded funding through SF 200.** During the public comment period at the June 2004 meeting the Commission was encouraged to utilize funding in SF200 as matching funds and/or that this funding could provide additional leveraging of funds by DNR. It is the hope that watershed groups will partner with multiple entities and leverage as much funding as they can, but while DNR can be a partner in a project they do not have the ability to request or approve any of this funding.
- **Coordination of watershed efforts?** It has been mentioned that DNR is looking to fill an position for a watershed coordinator. In the last few years the Iowa Department of Agriculture and Land Stewardship (IDALS) have filled two watershed coordinator positions, with the hopes of adding two more. The Iowa Rural Water Association employee watershed/wellhead protection staff funded through US EPA, US Department of Agriculture, and DNR (Section 319 funding). IRWA also has a DNR grant to do 26 wellhead protection plans. Other watershed/wellhead projects may employ their own specialist. While the EPA does not have control over all of these entities we need to question if and where are we duplicating efforts and/or how

can we better facilitate coordination of efforts and funding within state government to achieve the most results of the least amount of funding.

The outcome that each of us in this discussion wants is improved water quality for Iowa. It is not beneficial for us to have disagreement amongst the utility associations, agricultural groups, environmental groups, DNR, IDALS and others over the dollars. We need to all get on the same page and support each others efforts so that Iowans who consume and use Iowa's water resources can benefit by improving water quality with the least amount of bureaucracy and the most amount of money going to targeted outcome based projects in local communities.

The EPC is responsible for insuring that Iowa drinking water and waste water systems are correcting and preventing noncompliance with state and federal regulations. To do this you will need to know; what is the status of systems today, what is needed for improvements, how will improvements be funded and can the SRF program cover the cost of these needs and source water protection?

(A copy of Linda's comments can be located in the Department's Record Center.)

RICH LEOPOLD, from the Iowa Environmental Council said that they are strongly encouraged that DNR has decided to adopt the top-down approach for water quality standards. We recognize the significance of this approach and commend the DNR for proposing a what is required by the Clean Water Act. In the long run, this will benefit our state's public waters and ability of the DNR to protect the waters on behalf of all Iowans.

I would like to stress the importance on the distinction on when economic impacts are to be considered. These impacts are not to be considered when setting water quality standards which includes the designated use classification system. They are to be considered and will be considered on a case by case basis when deciding the standards. We would like to stress the point that all existing uses such as aquatic life, wildlife and recreation must be protected. We would also like to stress that where ever possible the DNR should designate for the highest attainable use that could be supported if point or non-point sources of pollution will reduce. Example, if a stream is already dead, and the stream has adequate clean water being supplied to it but it is impaired because of existing pollution sources, consideration should be given that the stream could be reasonable improved. Just because a waterbody is impaired by existing pollution sources, doesn't mean that we have to accommodate for this in the future. Better conditions could exist. Under item 22, Warm Water Protocol – we recommend postponing the acceptance of this rule until next month. We would like to allow for the changing of these rules to conform to the top/down approach. We are not targeting any source or industry. We are targeting the goal of compliance of the Clean Water Act. The underlining philosophy of the top/down approach is necessary for all sources of water pollution.

Henry Marquard asked Rich about the small communities that would be unable to afford such changes?

Rich Leopold said that some of the number used today have been grossly exaggerated. There are alternative technologies. No towns or industries will have to shut down because of what we're doing, that's why there is the site specific standard.

SUSAN HEATHCOTE, Research Director from the Iowa Environmental Council said that it makes sense to have both rulemakings out for public comment at the same time.

Item 22-Warm Water Protocol

The reason for the protocol is to provide a consistent basis for assessments and letting the public know how the department is doing the assessments. We should add to that to ensure that we are protecting all the existing uses and all reasonably attainable uses for aquatic life recreation and other uses that have been designated by the state. There is also reference to the protocol being used as a guideline in that in addition to the assessment factors that are outlined in the protocol, the department will consider any and all relevant factors and procedures that might effect the designation. In order for the public to understand the assessments, we need to outline what the other relevant factors and procedures might be. We support the multi-divisional committee that the Department is planning to form to make the decisions. The public should not be excluded from this especially when you're dealing with existing uses. When you get into the field assessment procedures of the protocol, under the biological community sampling, it states that the sampling will focus on fish and mussels. I think we need to reconsider that because we are now looking at all perennial streams being included in the designated uses. Many of those are small weighable streams and they may not have much in the way of mussel population but they would certainly have a diverse aquatic macro invertebrate population including aquatic insects, reptiles, amphibians, and crawdads. We do have a biological indexing program that has been developed based on reference streams. We absolutely need to include the aquatic macro invertebrates as part of the assessment procedures of the warm water protocol. We also need to look at using the top/down approach rather than the bottom/up approach. We need to be protecting for the existing uses and for the highest attainable uses.

GREG SINDT, Professional Engineer representing those who will be affected by the water quality standards. Item 21 – Chapter 65 US EPA has given Iowa the responsibility for developing water quality standards that are specific to the state of Iowa. In 1998, EPA wrote a letter to DNR that outlines some deficiencies they saw in the water quality standards program. There are some interests groups threatening the DNR with legal action as a result of that 1998 letter. As I see it, the rules are being written in response to threats of legal action. I don't feel it's a good response to develop rules solely out of a threat of legal action, rather than looking at what is right for the state of Iowa. What's being proposed today is that all streams will become fishable/swimmable, this includes all small streams that receive only flow from wastewater treatment plants otherwise these streams would be no flow with no life in them. We think the capital cost for this provision of the rule is an excess of the one billion. I agree with the bottom/up approach as originally proposed by DNR. Other streams would be evaluated on a case by case basis and then upgraded based on that evaluation. I would encourage the EPC to direct the DNR to develop rules that make sense for Iowa. Don't be intimidated by legal threats or fear of EPA disapproval. We also encourage DNR to conduct technical advisory committee meetings to exchange issues between groups.

DAVE ROTSCHAFER, representing IWPCA (Iowa Water Pollution Control Agency) spoke in opposition to the revision of Chapter 61 –Water Quality Standards. Some of the issues we have is that DNR has acknowledge that there is no data for even a scientifically information showing that the current use designation in standards application approach in general waters is under protective of aquatic life. EPA has agreed in Kansas that the state may choose a cut off flow and apply narrative criteria as presently done by this state in general use waters by application of the protected flow concept. The protected flow concept was based upon the best professional judgment of DNR staff using stream survey information. Therefore, the federal presumption that high quality aquatic life use exists for such waters has already been rebutted by the state, the presumption no longer applies. The cost of the revision will produce a gross waste of local resources. Blanket revisions to the general use classifications, top/down approach imposing the most restrictive standards on wastewater dischargers is not required by federal. A case by case assessment of the uses is allowed. What we would like to recommend to EPC, is to defer the action, collect scientifically defensible data to determine if the general use change needs to be changed as EPA has requested. We have drafted a letter to Senator Grassley, Senator Harkin and the other congressional members requesting for assistance from EPA with clarification on Iowa's WQS program implementation. (A copy of the letter can be located in the department's record center.) If the top/down approach is adopted, we would be required for ammonia removal and possibly nutrient removal at the end of the pipe. We all need to do our part to contribute to the solution.

CHARLES STEVENS, from the City of Knoxville addressed his concerns relating to Item 22 – Chapter 61 Water Quality Standards. In regards to the comments made today that we need to be following the EPA guidelines, if the state is implementing the Clean Water Act then it should only be applying the water quality standards to the waters of the United States, not waters of the State. Also, in Appendix I the warm water game fish of Iowa's streams and rivers. I don't believe this list is correct based on my background with warm water fish. I think there are some fish missing off this list.

Wayne Gieselman said that the water of the state includes groundwater and water of the United States does not include groundwater.

-----End of Public Participation-----

Jerry Peckumn suggested that we move up items 21-Proposed Rule – Chapter 61 Water Quality Standards and 22 – NOIA – Chapter 61 Water Quality Standards: Warm Water Stream Use Designation Assessment Protocol.

<i>Motion was made by Donna Buell to move the items up as suggested by Vice Chair Jerry Peckumn. Seconded by Sue Morrow. Motion carried unanimously.</i>
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PROPOSED RULE – CHAPTER 61, WATER QUALITY STANDARD

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The commission will be presented with proposed changes to the state's water quality standards (WQS). These changes are being proposed as part of the ongoing review of Iowa's WQS.

The proposed Notice of Intended Action will initiate action to:

1) *Eliminate the protected flow concept.* The current use of the protected flow concept in conjunction with the implementation of Iowa's Water Quality Standards for Iowa's streams has not been demonstrated to protect aquatic life uses under critical low flow conditions and is thus inconsistent with EPA guidelines. The removal of the protected flow concept will more adequately protect aquatic life because the standard design low flows (1Q10, 7Q10 & 30Q10) will be associated with the implementation of the numerical criteria.

2) *Revise the general use classification.* The current definition of general use segments allows discharges from wastewater treatment plants to be considered as general use segments. EPA guidance states that the presence of flow or pools in a stream which support a designated use must stand alone regardless of the source of that flow or pooled water. In addition, the elevated flows exclusion will be struck from the definition, resulting in these waters being protected at all places and all times. The rest of the changes clarify the relationship and eliminate redundancy between the definition in 61.3(1)a. and the associated criteria listed in 61.3(2).

3) *Designate as Class A1 – Primary Contact Recreational Use and Class B(WW-1) Warm Water – Type 1 all of Iowa's perennial or perennial pooled rivers and streams that are not currently designated.* Thus, all perennial or perennial pooled rivers and streams in Iowa not specifically listed in the Surface Water Classification will be Class A1, B(WW-1) waters, and will be protected for recreational and aquatic life uses. In addition, all current Class B(LR) streams will also be designated for Class A1 – Primary Contact Recreational Use. This is consistent with the national goal in the Clean Water Act that waters should be "fishable and swimmable" wherever attainable.

Iowa's current general use classification applies to all waters of the state. This definition of general use segment allows discharges from wastewater treatment plants to be considered as general use segments. This implies general use streams can be classified solely on their origin of flow which is inconsistent with federal regulations. In addition, protection of aquatic life against acutely toxic conditions within general use waters during periods of elevated flow is also inconsistent with federal regulations. Protection from acutely toxic conditions should occur in all waters and at all times.

The proposed amendments will strike the language that allows discharges from wastewater treatment plants to be considered as general use segments and the language that general use segments only provide protection at elevated flows.

The current use of the exceptions to the design low flow concept, known commonly as the protected flow concept, in conjunction with the implementation of Iowa's Water Quality

Standards for Iowa's streams has not been demonstrated to protect aquatic life uses under critical low flow conditions and is thus considered inconsistent with EPA guidelines. The removal of the protected flow concept will more adequately protect aquatic life because of the standards design low flows (1Q10, 7Q10 & 30Q10) will be associated with the implementation of the numerical criteria.

These proposed amendments will eliminate the language that allows exceptions to the design low flow provisions.

Many perennial-type streams in the State of Iowa are classified as general use. This is in contrast to the definition of general use segments that these streams are intermittent watercourses. There is a gap between how general use segments are defined and how the water bodies in Iowa are actually classified.

Thus, the proposed amendments will designate all perennial or perennial pooled rivers and streams in Iowa not specifically listed in the Surface Water Classification as Class A1, B(WW-1) waters, and will protect these waters for aquatic life and recreational uses. In addition, all current Class B(LR) streams not protected for recreational uses will also be designated for Class A1 – Primary Contact Recreational Use. This is consistent with the national goal in the Clean Water Act that waters should be “fishable and swimmable” wherever attainable.

Additional information on the public hearing schedule, Iowa's Water Quality Standards and the Department's rules can be found on the Department's Web site at <http://www.iowadnr.com/water/standards/index.html>

Henry Marquard asked about NPDES permits.

Chuck Corell said that NPDES permits are required for discharging any pollutant into a water of the state. Generally speaking, it is a point source discharge. Of the 1,500 permits written, the biggest category would be municipalities, then industries. There are other categories would be open feedlots. CAFO's do not require NPDES permits unless they have a discharge. The potential to discharge is not enough.

Jerry Peckumn asked if the economic impacts have been taken into consideration.

Chuck Corell said that they are trying to evaluate the impacts. These are capital costs as well as operational costs spread out over ten to twenty years. This not an immediate economic impact.

Mary Gail Scott said that she assumes there are NPDES permit upgrades that would require plants upgrades regardless of whether this rule change goes through as drafted.

Chuck Corell agreed.

Mary Gail Scott said that we need to find a way a attribute the true costs of this rule for those costs that are truly attributable to the rule changes opposed to upgrades that need to occur even if

this rule change did not go through as proposed. There is also the cost avoidance to fighting a lawsuit that should be included in the economic analysis package.

Chuck Corell said that we could estimate the impact and work required for each facility and then go back and look at what would have needed to be upgraded in the next five years anyways.

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LEO ALDERMAN, Director of the Waters, Wetlands and Pesticides Division of EPA Region VII said that they support the state's removal of the protected flow concept and the decision to provide a protection to perennial and interminant streams. We also support the higher level of protection as fishable/swimmable. This is commendable and is consistent with the Clean Water Act. We would like to recommend that the state establish a mechanism for specifically identifying the waters that would be apart of the fishable/swimmable designation. It is important for industries and citizens to understand the classification and designation of waters.

Mary Gail Scott asked if intermittent streams are included in the fishable/swimmable designation.

Leo Alderman said that if the intermittent streams are pooled then we would like to see them included as fishable/swimmable because of aquatic life. As the individual use designations occur, they will also need to come to EPA for approval.

NOTICE OF INTENDED ACTION – CHAPTER 61 – WATER QUALITY STANDARDS: WARM WATER STREAM USE DESIGNATION ASSESSMENT PROTOCOL

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The commission was asked to table the Notice of Intended Action regarding proposed rulemaking to amend the State's warm water aquatic life use designations in order to include stakeholders concerns.

The Notice of Intended Action initiates modifications to Iowa's current Water Quality Standards (WQS) use designations to protect warm water aquatic life. The IDNR is proposing to change the current warm water aquatic life use designations to the following designations: Class B(WW-1), Class B(WW-2), and Class B(WW-3). The new designations more accurately reflect the actual aquatic life of waterbodies. The existing Class B(WW) and Class B(LR) waterbodies will be reassigned to Class B(WW-1) and Class B(WW-2), respectively.

The IDNR is also proposing to establish a new use designation: Class HH - Human Health. The new designation transfers the human health (consumption of fish) criteria associated with the existing Class B aquatic life designations to a separate use category. The same use protection

and numerical criteria will still apply to all existing B(WW), B(CW), and B(LW) waterbodies. The new designation allows the human health criteria to be applied on any water body where appropriate regardless of the aquatic life designation.

The Notice of Intended Action also proposes to incorporate a rule-referenced document “Warm Water Stream Use Designation Assessment Protocol” into the WQS. The document includes proposed modifications to definitions for warm water aquatic life uses and proposes an approach to be followed in assessing the warm water aquatic life uses of streams. The proposed use assessment protocol would be applied to currently undesignated general use classified waters as well as existing Class B(WW) and Class B(LR) warm waters suspected of being inappropriately designated. This guidance document will be used in future warm water stream designation efforts. This document will be modified as new science and techniques are perfected. Any amendments to the reference document will proceed through formal rule making and will reflect the date of the revised documentation.

Donna Buell encouraged the department to use federal language rather than recreating our own definitions.

Motion was made by Mary Gail Scott to table the NOIA – Ch 22. Seconded by Lisa Davis Cook. Motion carried unanimously.

TABLED

CONTRACT - IOWA RURAL WATER ASSOCIATION FOR CEU TRAINING FOR OPERATORS OF GRADE A PUBLIC WATER SUPPLIES

Chuck Corell, Bureau Chief of Water Quality in the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$48,864 with Iowa Rural Water Association (IRWA) for Grade A public water system (PWS) operator training.

The Safe Drinking Water Act requires public water supplies to be regulated and their operators to be certified. The purpose of this contract is to retain IRWA to provide detailed training on multiple topics to the Grade A operators of very small PWSs in Iowa to enable them to earn renewal Continuing Education Units (CEUs) to maintain their current operator status. Grade A means systems with limited treatment serving a population of 250 persons or less.

Funding for this contract comes from the EPA Operator Certification Reimbursement Grant (Cost Center 7136) awarded to the Department to provide technical assistance, training, and certification for water supply operators of public water systems serving fewer than 3,300 persons.

The Department issued a Request For Proposals for this project in May of 2005 and received two (2) proposals in response to the request. A Departmental committee evaluated the proposals, and each member independently scored the proposals.

This contractor was chosen because IRWA has established an excellent reputation with the Department for their past training workshops, has proposed topics for this project that have been identified by Field Office staff as high priority training needs, and the proposal cost is reasonable.

Motion was made by Lisa Davis Cook to approve the contract with IRWA as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - IOWA ASSOCIATION OF MUNICIPAL UTILITIES (IAMU) - PUBLIC WATER SUPPLY SYSTEM-SPECIFIC HANDBOOK

Chuck Corell, Bureau Chief of Water Quality in the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract in the amount of \$64,756 with Iowa Association of Municipal Utilities (IAMU) for a PWS System-Specific Handbook.

The Safe Drinking Water Act requires public water supplies (PWSs) to be regulated and their operators to be certified. The purpose of this contract is to retain IAMU to develop a template for an operational handbook that provides new operators and other city officials (city clerks, city councils, etc.) with a resource containing as much information as possible on the day to day operation of a PWS. IAMU will also provide statewide workshops to PWSs serving a population under 3,300 on how to develop their individual handbook using this template.

Funding for this contract comes from the EPA Operator Certification Reimbursement Grant (Cost Center 7136) awarded to the Department to provide technical assistance, training, and certification for water supply operators of public water systems serving fewer than 3,300 persons.

The Department issued a Request For Proposals for this project in May of 2005 and received four (4) proposals in response to the request. A Departmental committee evaluated the proposals, and each member independently scored the proposals.

This contractor was unanimously chosen because IAMU has demonstrated experience in developing templates, has demonstrated a clear understanding of the scope of work and the template identified in the RFP, and the proposal is reasonably and competitively priced.

Motion was made by Henry Marquard to approve the contract as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – IOWA ASSOCIATION OF MUNICIPAL UTILITIES & IOWA RURAL WATER ASSOCIATION - CEU TRAINING FOR OPERATORS OF NON-GRADE A SMALL PUBLIC WATER SUPPLIES

Chuck Corell, Bureau Chief of Water Quality in the Environmental Services Division presented the following item.

The Department requests Commission approval of seven (7) contracts in the amount of \$390,750 with Iowa Association of Municipal Utilities (IAMU) and Iowa Rural Water Association (IRWA) to train operators of small public water supplies (PWSs) for Continuing Education Units (CEUs).

The Safe Drinking Water Act requires PWSs to be regulated and their operators to be certified. The purpose of this contract is to retain these two vendors to provide detailed training on multiple topics (listed below) to operators of drinking water supply systems serving populations less than 3,300 that are not classified as Grade A systems, for the purpose of providing CEUs for certification renewal.

IAMU	Cross Connection	\$ 58,941
IAMU	Water Distribution	\$ 60,053
IAMU	Grade 1 Water Treatment	\$ 57,534
IAMU	Water Leak Detection	\$ 48,737
IAMU	Sampling Tech & Plan Development	\$ 49,988
IAMU	Water Disinfection Training	\$ 69,690
IRWA	CEU Training for Operators of Small PWSs	<u>\$ 45,807</u>
		\$ 390,750

Funding for these contracts comes from the EPA Operator Certification Reimbursement Grant (Cost Center 7136) awarded to the Department to provide technical assistance, training, and certification for water supply operators of public water systems serving fewer than 3,300 persons.

The Department issued a Request For Proposals for this project in May of 2005 and received several proposals from three vendors in response to the request. A Departmental committee evaluated the proposals, and each member independently scored the proposals.

These contractors and their projects were chosen because they have established an excellent reputation with the Department for their past training workshops, they proposed topics for this project that have been identified by Field Office staff as high priority training needs, and their proposal costs are reasonable.

Motion was made by Sue Morrow to approve the contract with IAMU as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

STATE REVOLVING FUND PROGRAM REVIEW

Patti Cale-Finnegan, Natural Resources and Lori Beary, Iowa Finance Authority presented the following information.

Iowa SRF – What is the SRF?

- Clean Water State Revolving Fund
- Drinking Water State Revolving Fund
- Federal/state program
 - Clean Water Act, Safe Drinking Water Act, US EPA rules and program guidance
 - State statute and rules

What is the IUP?

Intended Use plans provide road map for programs

- Prepared annually, with quarterly updates
- Public notice and input are integral
- Input from EPA
- Must be approved by the EPC

Who operates the SRF?

- Operating agreement between DNR and EPA
- DNR and Iowa Finance Authority given joint responsibility in statute for administering the program
- Rules and joint agency agreement spell out DNR and IFA responsibilities
- Together DNR and IFA integrate the environmental/public health goals and financial operation of the SRF
- Other partners include:
 - IA Dept. of Agriculture and Land Stewardship, Division of Soil Conservation
 - Soil and Water Conservation Districts
 - County Boards of Health and County Sanitarians
 - IA Agricultural Development Authority
 - Williams and Company
 - Participating Lending Institutions

Where does the money come from?

- Federal grants
 - CWSRF = \$283 million since 1989
 - DWSRF = \$94 million since 1997
- State bonding

- Required match 20%
 - Additional leveraging as needed
- Loan repayments and interest
- Loan fees (The money can not be granted, Federal regulations require that it be loaned.)

What does the SRF fund?

- Clean Water SRF
 - Public wastewater and storm water projects
 - Non-point source projects
 - Loaned \$453 million to 286 projects
- Drinking Water SRF
 - Public and private drinking water projects
 - Set-asides for technical assistance, state program management, administration and other uses
 - Loaned \$182 million to 110 projects

How are the projects prioritized?

- Drinking Water SRF: Priority is given to projects that:
 - Address the most serious risk to human health
 - Are necessary to ensure compliance with the Safe Drinking water Act
 - Assist systems most in need
- Clean Water SRF: Priority is given to projects based on:
 - Use classification of receiving waters
 - Water quality of receiving waters
 - Compliance status
 - Project benefits
 - Readiness to proceed

What's in the SRF for NPS and SWP?

- Iowa Water Quality Loan Fund
 - Four set-aside programs from Clean Water SRF to address non-point source pollution, including source water protection
 - Low-interest financing for public and private borrowers
 - Loans through participating lenders
 - Local Water protection program
 - Livestock water quality facilities program
 - Onsite wastewater systems assistance program
 - General non-point source program
 - Sponsored projects link CWSRF infrastructure loans with non-point source efforts
 - Commission approved two pilot projects
 - Looking for mechanisms within Iowa municipal finance laws to allow sponsorship

How is the SRF being improved?

- Increased pace of projects and use of SRF monies in CWSRF
- Better customer education and program promotion

- Better integration of program and financial goals
- Kaizen Events
 - Eliminates delays
 - Increase communication
 - Standardize procedures
- New planning and design loans
- Rule change proposals for flexible interest rates
- Offering loan restructuring
- Developing disadvantaged community criteria

What are the challenges for the future?

Clean Water needs survey 2003

- Needs projects for next 20 years
 - Plan, design, build, replace, or rehabilitate publicly owned wastewater treatment and collection systems
 - Implement storm water management
 - Does not include non-point source needs
 - \$1,954,000,000

Drinking Water needs survey 2003

- Needs projects for next 20 years
 - Plan, design, build, replace, or rehabilitate public and privately owned drinking water distribution, transmission, treatment, new water sources, and storage systems
 - \$3,503,900,000

Ensure the ability of SRF to meet needs “in perpetuity”

Ensure that SRF monies are supporting Iowa’s highest environmental and public health priorities

Ensure that Iowa communities and other borrowers have the right information, access and assistance to take advantage of the SRF

For further information, please visit: www.IowaSRF.com

Duane Sands commended the EPC for taking interest in learning more about the SRF program. There have been improvements and I encourage the department to continue with their efforts. The following comments were submitted:

- Iowa ranks only 29th among the states for its percentage of federal clean water grants used to prevent nonpoint source pollution, even though our impaired waters list is growing.
- Iowa has already forfeited \$21 million of federal pollution control investment and diversions may exceed \$31 million after another two years without excellent marketing of the Clean Water SRF.
- Iowa is 20th for leveraging Clean Water SRF grants with state issued bonds or appropriations.

- If Iowa has actively managed the program to be among the top 10 states there would now be invested over \$260 million of additional clean water project loans, including over \$34 million for non-point source pollution prevention.
- Recommendations: The EPC should set policy and approve work plans to put Iowa among the top ten states for both source water protection and nonpoint source pollution prevention by the end of FY07.
- Iowa's information from FY04: <http://www.epa.gov/region5/water/cwsrf/index.htm#>

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CLEAN WATER STATE REVOLVING LOAN FUND – 2006 INTENDED USE PLAN

Chuck Corell, Bureau Chief of the Water Quality Bureau presented the following item.

Commission approval is requested for the Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) for FY 2006. The CWSRF provides low-interest loans for wastewater and stormwater infrastructure improvements and non-point source water quality projects. Since 1989, the CWSRF has loaned more than \$438 million for water quality projects. Under an agreement with the U.S. Environmental Protection Agency, the CWSRF is administered by the Iowa Department of Natural Resources in partnership with the Iowa Finance Authority.

The FY 2006 IUP includes a plan of action for the coming year, including goals and objectives, an analysis of current and projected financial capability, financial management strategies, the project priority list, program plans for non-point source efforts, and planned uses for administrative accounts.

The IUP highlights program improvements that have been completed and those that are underway. The CWSRF is undergoing major changes, as project processes are streamlined and made more user-friendly, new uses are identified, and new programs are developed. The CWSRF has been one of Iowa's primary tools for funding water quality improvements. The existing and new uses for the CWSRF provide an important means to invest in environmental benefits now and into the future.

A public meeting was held June 6, 2005 to receive comments on the proposed IUP. No oral comments were received at the meeting. The written comment period closed on June 16, 2005. Comments received are addressed in the attached responsiveness summary. No changes were made to the project priority list as a result of the public participation process.

<i>Motion was made by Donna Buell to approve the CWSRF – Intended Use plan as presented. Seconded by David Petty. Motion carried unanimously.</i>

APPROVED AS PRESENTED

FY 2006 DRINKING WATER STATE REVOLVING FUND INTENDED USE PLAN

Chuck Corell, Bureau Chief of Water Quality presented the following item.

Commission approval is requested for the Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP) for FFY 2006. Section 1452 of the Amended Safe Drinking Water Act authorized the U.S. Environmental Protection Agency (EPA) to establish a State Revolving Loan Fund for drinking water-related projects to assist water systems to finance the costs of infrastructure needs and to maintain compliance with the Safe Drinking Water Act. The IUP includes the list of projects proposed to receive loan assistance through the Drinking Water State Revolving Fund for FFY 2006.

The proposed FY 2006 IUP includes the list of projects proposed to receive loan assistance through the DWSRF with money available from the 2004 and 2005 capitalization grant funds, state match, and leveraged or transferred funds. Five applications were received, reviewed, and ranked using criteria contained in Chapter 44 of 567 IAC. Four projects were placed on the list for funding in FY 2006; one project was ineligible because construction of the project was already complete. It is anticipated that all eligible applicants will receive loan assistance. Under the IUP, four new projects would receive loan assistance totaling \$4.947 million. Loans will be made at an interest rate of 3% for periods up to 20 years.

It is proposed that unspent funds from the unspent FY 2001 State Program Set Aside be reverted to the fund for infrastructure projects and that the FY 2004 capitalization grant application be amended to fund the budget of \$1.38M for the drinking water program; the one to one match requirement requires a set aside of \$689,000. A set aside was taken in the FY 2005 IUP, but amending the FY 2004 grant application makes it unnecessary at this time. From the Other Authorized Activities set-aside, the IUP proposes amending the FY 2004 grant application to set aside the amount of \$1,511M for source water protection activities, source water protection loans, and capacity development activities as described in the IUP. A set aside had been taken in the FY 2005 IUP, but amending the FY 2004 grant application makes it unnecessary at this time.

A public hearing was held May 20, 2005 to receive comments on the proposed IUP. The written comment period closed on May 27, 2005. One comment was received and addressed in the attached responsiveness summary. No changes were made to the project priority list as a result of the public participation process.

We are paying for Tony Teigo through the SRF funds. He is a contractor with the Division of Soil Conservation. One of his main jobs is to inform the Soil and Water districts that we have money for projects.

Motion was made by Donna Buell to approve the Drinking Water IUP as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

STATE OF IOWA PUBLIC DRINKING WATER PROGRAM - 2004 ANNUAL COMPLIANCE REPORT

Diane Moles of the Water Quality Bureau presented the following item.

The Department is submitting the *State of Iowa Public Drinking Water Program 2004 Annual Compliance Report* to the Environmental Protection Commission for information purposes.

The Safe Drinking Water Act (SDWA) Amendments of 1996 require the Department to issue an annual report of the SDWA violations in the state. This report fulfills the reporting requirement in Iowa for the 2004 calendar year.

Iowa's systems

- In 2004, Iowa had 2,060 public water supplies: 1,155 community water systems (municipalities, subdivisions, mobile home parks); 151 non-transient non-community (schools, daycares, businesses); and 754 transient non-community (parks, restaurants, bars, golf courses, etc.)
- This continues an increasing trend since 1996
- Iowa is a small-system state, with 94% of our systems serving fewer than 3,300 people
- This annual report is required by the SDWA and is available on the IDNR's website, drinking water page, under "drinking water quality - annual compliance reports".

Compliance with health-based standards

- There were no waterborne diseases or deaths attributed to Iowa's public drinking water systems.
- 89.9% of Iowa's systems had no violations of a health-based standard, translating to over 2.39 million people that received water that met the health-based standards. 208 systems had 357 violations of health-based standards.
- There are over 80 regulated contaminants. Thirteen contaminants were found at levels that exceeded the health-based standards.
 - Coliform bacteria standard (no fecal component) comprised 57.7% of the violations
 - Nitrate: 11.8% (23 systems with 42 violations)
 - Total trihalomethanes (TTHM, a disinfection byproduct): 7.8% (16 systems with 28 violations)
 - Remaining contaminants with at least one violation: Fecal coliform bacteria, Copper, Lead, Radium 226 & 228, SWTR, Nitrite, Uranium, Arsenic, Fluoride, and Gross Alpha

Comparison with previous years:

- Coliform bacteria and nitrate maximum contaminant level (MCL) violations increased in both number of violations and number of systems with violations.
 - The number of coliform violations normally increase during wet-weather years; the 2004 levels are similar with 2002.
 - In 2004, some systems mitigated their nitrate problems by drilling a new well or installing treatment and are now in compliance. Two CWS that had previously solved their nitrate problems through wellhead protection efforts in past years are in violation again, because the land-use near the wells was changed from pasture/grassland and CRP to row crops.

- The disinfectants/disinfection byproducts rule (DBPR), a new rule implemented in 2004 for most CWS and NTNC systems, resulted in an increase in TTHM MCL violations.

Compliance with monitoring and reporting requirements

- 81.8% of systems met the major monitoring & reporting requirements, translating to over 2.5 million people receiving water from systems that met those requirements.
- There were 848 major monitoring violations at 350 systems, with coliform bacteria (45.2%) and nitrate (17.7%) the most frequently missed samples.
- There were 47 systems with 49 reporting violations, including 21 systems that failed to produce their 2003 annual "consumer confidence" or "water quality" report.

Comparison with previous years

- Monitoring and reporting compliance was slightly better in 2004 than in 2003. What the statistics don't reflect, is that the opportunity for a CWS or NTNC system to incur a violation significantly increased in 2004, due to that new DBPR. The department's CO and FO WS staff spent a lot of effort training operators in the rule requirements, and that effort paid off in the very low violation rate for disinfectant residuals and disinfection byproducts.

Compliance with operator certification requirements

- There were 2,035 active water distribution certificates & 1,926 active water treatment certificates.
- Three systems incurred violations for failure to have a certified operator.
- No revocation actions were taken against a certified operator.

This report was prepared by the Department's Water Supply Engineering & Operations Sections in the Water Quality Bureau of the Environmental Services Division. Development of the report was accomplished through the use of the state water supply database. The printed report was provided to EPA by the deadline. An electronic copy will also be provided to the Governor, legislative officials, EPA, and members of the SDWA Advisory Group. The electronic report will be available on the IDNR's website at <http://www.iowadnr.com/water/drinking/reports.html>. Copies of the report are also available to the public upon request.

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REFERRALS TO THE ATTORNEY GENERAL

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of the matters discussed would be likely to prejudice or disadvantage its

position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c),

Kelli Book presented the Aldag, Kass, and Dos case to the Commission.

TRAVIS ALDAG (IDA GROVE – IDA COUNTY) – ANIMAL FEEDING OPERATION

Travis Aldag did not comply with the requirements of Administrative Order No. 2004-AFO-55 and did not pay the administrative penalty of \$3,000 as prescribed by law.

The order was issued as a result of Mr. Aldag's failure to obtain a manure management plan for his facility located in Ida County, Iowa. Mr. Aldag was also cited for failing to dispose of dead hogs in a timely manner and failing to remove manure from a pit in a timely manner. Mr. Aldag was ordered to do the following: 1) submit a complete MMP within 45 days of receipt of the order 2) properly dispose of the dead hogs at his facility 3) remove the manure from the pit and have it properly land applied and 4) pay a penalty of \$3,000.

Mr. Aldag failed to appeal the order; thus the penalty became due August 17, 2004. To date, the penalty has not been paid.

Mr. Aldag submitted a MMP on November 3, 2004. The plan was denied on November 16, 2005 and Mr. Aldag was given until December 20, 2004 to submit the required information. Mr. Aldag did not submit any information. Mr. Aldag currently does not have a MMP on file with the Department.

In an email dated November 2, 2004, Mr. Aldag claims to have disposed of the dead hogs. He also states he would have the pits pumped out as soon as the crops were out of the fields.

We are seeking enforcement of the terms of Administrative Order No. 2004-AFO-55.

DAVID KASS (LEMARS – PLYMOUTH COUNTY) – ANIMAL FEEDING OPERATION

David Kass did not comply with the requirements of Administrative Order No 2004-AFO-84 and did not pay the administrative penalty of \$3,000 as prescribed by law. The order was issued to Mr. Kass for his failure to obtain a manure management plan for his facility located in Plymouth County, Iowa. Mr. Kass was ordered to do the following: 1) submit a complete MMP within 45 days of receipt of the order and 2) pay a penalty of \$3,000.

Mr. Kass failed to appeal the order; then thus the penalty became due October 2, 2004. To date the penalty has not been paid. Mr. Kass currently does not have a MMP on file with the Department.

We are seeking enforcement of the terms of Administrative Order No. 2004-AFO-84.

JIM DOS (WATERLOO – BLACK HAWK COUNTY) - ANIMAL FEEDING OPERATION

Jim Dos did not complete with the requirements of Administrative Order No. 2005-AFO-06 and did not pay the administrative penalty of \$3,000 as prescribed by law. The order was issued to Mr. Dos for his failure to obtain a manure management plan for his facility. Mr. Dos was ordered to do the following: 1) submit a complete MMP within 45 days of receipt of the order and 2) pay a penalty of \$3,000.

Mr. Dos failed to appeal the order; thus the penalty became due May 4, 2005. To date, the penalty has not been paid.

Mr. Dos currently does not have a MMP on file with the Department.

We are seeking enforcement of the terms of Administrative Order No. 2005-AFO-06.

Motion was made by Lisa Davis Cook to refer Kass, Dos and Aldag to the Attorney General as presented. Seconded by Mary Gail Scott. Motion carried unanimously.

REFERRED

BOYER'S SAND & ROCK, INC. (HAWARDEN – SIOUX COUNTY) – UNDERGROUND TANKS

David Wornson presented the following item.

The Department requests referral to the Iowa Attorney General's office to enforce the terms of an administrative order requiring William Boyer and Boyer's Sand and Rock, Inc to permanently close underground storage tanks (USTS), complete soil and groundwater closure investigation report, and pay a penalty of \$2,380. Mr. Boyer filed an appeal of the penalty provisions in the order. The Administrative Law Judge granted the Department's motion for a default order and the parties did not file a motion to set aside the default decision. Therefore, the default decision is a final agency action enforceable in Iowa District Court.

Motion was made by Lisa Davis Cook to refer Boyer's Sand & Rock, Inc. to the Attorney General as presented. Seconded by Donna Buell. Motion carried unanimously.

REFERRED

SK FOOD & GAS, INC. (DAVENPORT – SCOTT COUNTY) – UNDERGROUND TANKS

David Wornson presented the following item.

The Department recommends referral to the Iowa Attorney General's Office to initiate an action in Iowa District Court seeking injunctive relief and assessment of civil penalties.. SK Food & Gas, Inc owns and operates a petroleum underground storage tank (UST) facility and convenience store. The referral is based on the maintenance rules. The Department believes that given the severity and history of violations, issuance of an administrative order is an inadequate

remedy. An action in Iowa District Court would provide assessment of penalty above the Department's statutory \$10,000.

Motion was made by Henry Marquard to refer SK Food & Gas to the Attorney General as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

REFERRED

PROPOSED CONTESTED CASE DECISION – WAYNE STAUB

Ed Tormey, Bureau Chief of Legal Services presented the following item.

On December 21, 2004, the department issued Administrative Order No. 2004-AQ-64 to Wayne Staub. The order was issued because on November 24, 2004, Mr. Staub open burned rubber tires during the clearing of trees at a farmsite. The order required Mr. Staub to pay a penalty of \$1000.00. That action was appealed by Mr. Staub, and the matter proceeded to an administrative hearing on May 31, 2005. The Administrative Law Judge issued a Proposed Decision on June 10, 2005. The decision affirms the order with the exception of the \$100.00 penalty amount assessed for economic benefit.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

The department is appealing the proposed decision issued on June 10, 2005, by the administrative law judge. A briefing schedule will be established for the parties pursuant to the procedural rules found at 561 Iowa Administrative Code 7.15(5) and the director will schedule appeal or review for a date after the end of the briefing period.

Within the next couple of months, the Commission will act as a jury for the Wayne Staub case. Both parties will have oral presentation at that time. If you wish, you may request all written documents and tape recordings. The Commission may reverse or modify any finding affect if a ponderance of the evidence will support the determination to reverse or modify such a finding or the Commission may reverse or modify any conclusion of law that the Commission finds to be in error. The Commission will make the final decision regarding the penalties.

INFORMATIONAL ONLY

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
July, 2005**

Proposal	Notice to Comm	Notice Publish	ARC#	Rules Review	Hearing	Coment period	Final Summary to comm.	Rules Adopted	Rules Publish	ARC#	Rules Review Comm	Rules effective
1. Ch. 20 – Addition of Definitions for Biodiesel Fuel, #1 Fuel oil and #2 Fuel Oil	4/18/05	5/11/05	4159B	6/14/05	6/14/05	6/20/05	7/18/05	*7/18/05	*8/17/05		*9/13/05	*9/21/05
2. Ch. 20, 21, 22, 23 & 25 – AQ Program Rules; Updates, Revisions and Additions	2/21/05	3/16/05	4059B	4/01/05	4/19/05	4/25/05	5/16/05	5/16/05	6/08/05	4238B	7/12/05	7/15/05
3. Ch. 20, 22, 31 and 33 – Major New Source Review Rules	1/18/05	2/16/04	4005B	3/04/05	3/18, 23/05	3/25/05	*8/15/05	*8/15/05	*9/14/05		*10/11/05	*10/19/05
4. Ch. 22 – Air Construction Permitting Exemptions	4/18/05	5/11/05	4160B	6/14/05	6/13, 16/05	6/24/05	*8/15/05	*8/15/05	*9/14/05		*10/11/05	*10/19/05
5. Ch. 23 – Clarification Regarding Ordinary Travel on Unpaved Public Roads	4/18/05	5/11/05	4158B	6/14/05	6/15/05	6/17/05	*8/15/05	*8/15/05	*9/14/05		*10/11/05	*10/19/05
6. Ch. 23 – NESHAP Update	7/18/05	*8/17/05		*9/13/05	*9/16/05	*9/16/05	*10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
7. Ch. 53 – Protected Water Source	1/18/05	2/16/05	4003B	3/04/05	3/10/05	3/17/05	TERMINATION 5/16/05	5/16/05	6/08/05	4241B	7/12/05	7/15/05
8. Ch. 60, 63, 64 & 65 – CAFO Regulations	9/20/04	10/13/04	3736B	11/09/04	11/05/04	11/05/04	TERMINATION 5/16/05	5/16/05	6/08/05	4240B	7/12/05	7/15/05
9. Ch. 61 – WQ Standards: Warm												

Weather Stream Use Designation Assessment Protocol	7/18/05	*8/17/05		*9/13/05			*10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
10. Ch. 65 – Open Feedlots Engineering Standards	11/15/04	12/08/04	3873B	1/04/05	1/05/05 1/07/05	2/21/05	TERMINATION 6/20/05	6/20/05	7/20/05		*8/09/05	*8/24/04
11. Ch. 65 – Open Feedlot Regulations	7/18/05	*8/17/05		*9/13/05	*9/05/05	*9/09/05	*10/17/05	*10/17/05	*11/09/05		*12/13/05	*12/14/05
12. Ch. 65 – Open Feedlot Regulations							7/18/05	*7/18/05	*8/17/05		*9/13/05	*7/29/05
13. Ch. 101 – Solid Waste Comprehensive Planning Requirements	2/21/05	3/16/05	4062B	4/01/05	4/06/05	4/06/05	5/16/05	5/16/05	6/08/05	4239B	7/12/05	7/15/05
14. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	4/18/05	5/11/05	4164B	6/14/05	5/31/05 6/1, 2/05	6/10/05	*8/15/05	*8/15/05	*9/14/05		*10/11/05	*10/19/05
15. Ch. 136 – Financial Responsibility Requirements for USTs	6/20/05	7/20/05		*8/09/05	*8/09/05	*8/12/05	*9/19/05	*9/19/05	*10/12/05		*11/08/05	*11/16/05

**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period June 1, 2005, through June 30, 2005, 68 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance			Mode					
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	68 (70)	14 (9)	33 (42)	20 (19)	21 (20)	34 (39)	1 (1)	2 (1)	0 (1)	10 (8)
December	58 (51)	8 (10)	34 (29)	16 (12)	19 (21)	29 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	58 (44)	6 (7)	36 (25)	16 (12)	20 (9)	28 (32)	1 (2)	1 (0)	1 (1)	7 (0)
February	46 (41)	4 (5)	25 (20)	17 (16)	12 (13)	24 (24)	4 (1)	2 (1)	1 (0)	3 (2)
March	70 (71)	11 (9)	43 (38)	16 (24)	25 (21)	33 (47)	1 (0)	1 (1)	3 (0)	7 (2)
April	102 (99)	35 (44)	46 (42)	21 (13)	32 (30)	51 (63)	2 (0)	3 (3)	3 (0)	11 (3)
May	59 (66)	19 (17)	29 (40)	11 (9)	23 (18)	28 (39)	1 (2)	3 (2)	0 (0)	4 (5)
June	68 (77)	12 (18)	40 (43)	16 (16)	18 (26)	38 (42)	2 (1)	4 (0)	1 (1)	5 (7)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

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September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	581 (592)	111 (130)	315 (324)	154 (138)	187 (179)	292 (354)	17 (9)	20 (9)	9 (7)	56 (34)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
11	16	8	10	8	15

Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period June 1, 2005, through June 30, 2005, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other Impacts	Surface Water
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)
November	9 (5)	2 (0)	4 (2)	1 (2)	2 (1)	6 (5)	2 (0)	0 (0)	1 (0)	1 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (1)	0 (0)	0 (0)	0 (1)	1 (0)	0 (1)	0 (0)	1 (0)	0 (0)	0 (0)
March	1 (5)	0 (1)	1 (0)	0 (0)	0 (3)	0 (4)	1 (0)	0 (0)	0 (0)	1 (1)
April	6 (10)	0 (0)	2 (4)	1 (4)	3 (2)	5 (7)	1 (3)	0 (0)	0 (0)	0 (5)
May	3 (2)	1 (0)	1 (1)	0 (0)	1 (1)	2 (2)	1 (0)	0 (0)	0 (0)	0 (0)
June	1 (2)	0 (0)	0 (1)	0 (0)	1 (1)	0 (2)	1 (0)	0 (0)	0 (0)	0 (1)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	38 (38)	3 (1)	16 (13)	8 (9)	0 (0)	28 (31)	8 (3)	1 (1)	1 (0)	4 (8)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
0	0	1	0	0	0

DATE: July 1, 2005

E00July-44

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Mt. Union, City of (6)	Wastewater	Compliance Schedule	Amended Order	6/01/05
Steve Grettenberg, Dayton (2)	Animal Feeding Operation	Uncertified Applicator	Consent Amendment \$500	6/02/05
Lake Place, Clarion (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate	Order Rescission	6/06/05
Jerome Loutsch d/b/a J & L Excavating, Plymouth Co. (3)	Air Quality	Open Burning	Order Rescission	6/06/05
Anthony R. Wendler, Emmet Co. (3)	Animal Feeding Operation Solid Waste	Prohibited Discharge – Confinement; Failure to Report a Release; Illegal Disposal	Settlement Agreement	6/06/05
Brad Taylor, Pottawattamie Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment	6/06/05
Ysselstein Dairy, Inc. Sioux Co. (3)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Consent Order \$8,000	6/06/05
Scott Lenz, Carroll Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Order/Penalty \$8,000	6/24/05
Douglas J. Pudenz, Carroll Co. (4)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot	Order/Penalty \$8,000	6/24/05

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: July 1, 2005
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04
# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04

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# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	1,500	9-30-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
#*James Boller (Kalona)	AFO	4,750	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
Crest Country Inn (Iowa Co.) No. 2	WW	2,000	9-21-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04
Crest Country Inn (Iowa Co.) No. 1	WW	1,000	12-11-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
# Jim Dos (Black Hawk Co.)	AFO	3,000	5-04-05
Vernon Kinsinger (Washington Co)	SW	8,130	5-11-05
Garlen E. Perry; Paul and Percilla Lattin (Shenandoah)	AQ/SW	3,000	5-15-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	4,450	6-06-05
* Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,150	6-06-05
Martin Fender (Mills Co.)	AQ/SW	1,000	6-06-05
H & H Trailer Co. (Braddyville)	AQ	1,500	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
* Racer's Bar and Grill (Algona)	WS	300	6-15-05
* Dennis Gailey (Moorland)	AQ/SW	5,300	6-18-05
Acme Fuel & Material Co. (Muscatine) (Also \$3,250 SEP)	AQ	5,250	6-18-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	2,400	6-19-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
# Scott Antisdell (Carroll Co.)	AFO	750	6-21-05
# Dennis Kuehl (Cass Co.)	AFO	3,000	6-24-05
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000	6-24-05

O R Entertainment d/b/a Ringo's (Mason City)	WS	1,025	6-25-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
* Country Terrace Mobile Home Park (Ames)	WW	3,120	7-01-05
# Steve Grettenberg (Webster Co.)	AFO	500	7-02-05
#*Miles McDougall (Plymouth Co.)	AFO	625	7-04-05
David Carlisle (Ringgold Co.)	SW	3,500	7-23-05
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
# Rick Renken (Plymouth Co.)	AFO	750	-----
# Douglas J. Pudenz (Carroll Co.)	AFO	8,000	-----
# Scott Lenz (Carroll Co.)	AFO	8,000	-----
TOTAL		454,626	

The following cases have been referred to the Attorney General:

Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02

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Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Richard Juhl (Cass Co.)	AQ/SW	4,700	
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
TOTAL		234,630	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Charlotte Caves (Oskaloosa)	HC	10,000
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# New London Dairy; Steve Walter dba Walter & Sons Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000

Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	5,000
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
# Allen Hoeper (Bremer Co.)	AFO	1,500
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Chad Kooima (Sioux Co.)	AFO	1,500
Dr. Ed Cook (Cherokee Co.)	AQ	3,000
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000

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# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
# Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
# David Meyer (Cedar Co.)	AFO	1,500
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	3,500
# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Paul Rehder (O'Brien Co.)	AFO	3,000
# E & N Farms, Ltd. (Lyon Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Consolidated Energy Co. LLC (Whiting)	UT	6,000
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Lawler, City of	WW	3,000
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427

# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000
James Karthan (Clarke Co.)	AQ	1,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500
# Ivan Kenney (Guthrie Co.)	AFO	3,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
# Patrick Jones (Dickinson Co.)	AFO	1,500
Fran Oil Co. (Council Bluffs)	UT	7,000
Fran Oil Co. (Council Bluffs)	UT	3,000
Iowa Oil Co.; HRV Petro; Two Holdings (Dubuque)	UT	6,300
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Stewart Construction Ltd. (Lyon Co.)	AQ/SW	2,500
William Butterfield (Mason City)	AQ/SW	3,000
Dirk Graves (Glenwood)	AQ	1,000
Roger Holland (Farmington)	WW	7,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500
Reginald Parcel (Henry Co.)	AQ/SW	1,000
Paul Launderville; Midwest Tennis & Track (Denison)	AQ/SW	7,500
Atlantic, City of	AQ/SW	10,000
TOTAL		765,584

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Delores Van Ohlen Trust (Hamilton Co.)	AQ/SW	3,000
Sioux City, City of	SW	7,000
# C J Acres; Carl Schelling (Sioux Co.)	AFO	3,225
#*Gary DeBoer; G & S Farms (Lyon Co.) PAID IN FULL	AFO	500
#*Miles McDougall (Plymouth Co.)	AFO	125
Regional Environmental Improvement Comm. Of Iowa Co.	SW	1,500
# Brad Dirksen (Plymouth County)	AFO	3,000
Environmental Solutions, Inc. (Mills Co.)	SW	2,500
* Country Terrace Mobile Home Park (Ames)	WW	110
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	1,000
O-C Trailers, Inc. (Sioux Co.)	AQ/SW	1,147
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	100
# P & W Egg Company, LC (Cass Co.)	AFO	3,000
TOTAL		26,207

The following administrative penalties have been rescinded:

# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
Kountry School LLC (Elkader)	WS	1,500

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Jerome Loutsch (Plymouth Co.)
Lake Place (Clarion)

AQ 1,000
WS 500

Attorney General Referrals

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Report ing-Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date	9/15/03 9/23/04 7/19/05
Carlson, Emer Henry Co. (6)	UPDATED Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Second Motion for Judgment Hearing Date Order (\$6,500/Admin.)	9/20/04 3/01/05 4/01/05 4/12/05 5/23/05 5/23/05
CDI, LLC Forest City (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Crest Country Inn	Wastewater	Monitoring/Report ing	Order/Penalty	Referred	2/21/05
Ellis, Trent Calhoun Co. (3)	Solid Waste Air Quality Animal Feeding Operation	Illegal Disposal; Open Burning; Prohibited Discharge – Confinement	Order/Penalty	Referred Petition Filed Answer	8/16/04 2/25/05 3/21/05
Ginger, Roger Everly (3)	Underground Tank	UST Closure	Order/Penalty	Referred	5/15/05
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards	Referred to Attorney General	Referred	2/21/05
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 8/16/05
Hoffman, Matt Plymouth Co. (3)	Animal Feeding Operation	Failure to Update	Order/Penalty	Referred Petition Filed	8/16/04 2/23/05

Plan						
Juhl, Richard Cass Co. (4)		Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Kelly, Pat d/b/a Kelley Construction Woodbine (4)		Underground Tank	UST Closure	Order/Penalty	Referred	5/16/05
Leigh, Marsha Glenwood (4)	UPDATED	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05
Mobile World LC Camanche (6)		Air Quality Solid Waste	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed	8/16/04 4/08/05
Northeast Iowa Citizens for Clean Water (NICCW)	UPDATED	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal NICCW's Motion for Summary Judgment Trial Date State's Brief in Resistance to Motion for Partial Summary Judgment Hearing on Motion for	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04 2/25/05 2/27/06 5/16/05 6/02/05 6/22/05

				Partial Summary Judgment Ruling Granting Partial Summary Judgment	
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97
				Petition Filed	10/02/98
				Application for Temporary	2/04/99
				Injunction	4/19/99
				Temporary Injunction	9/13/00
				Trial Date	9/28/00
				Partial Judgment (Clean-up	12/12/02
				Order)	2/20/03
				Contempt Application	2/20/03
				Contempt Hearing Date	
				Contempt Finding and Civil	
				Penalty	7/09/03
				(\$100,000 and 30 Days in	8/01/03
				Jail –	
				Suspended until 7/8/03)	8/01/03
				Hearing Regarding	8/20/03
				Contempt	9/18/03
				Order Regarding	4/16/04
				Bond/Cleanup	12/10/04
				Deadline	
				Bond Posted	
				State Objections to Bond	
				Ruling Denying Objections	
				to Bond	
				Status Hearing Date	
				Hearing on Motion to	
				Extend Cleanup	
				Deadline	
Robertson, Ryan Jefferson Co. (6)	Wastewater	Stormwater Permit Violations	Referred Attorney General	to Referred	4/27/05
Roney, Jerry Huxley (5)	Underground Tank	Site Assessment	Order	Referred	5/16/05
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed	8/28/03
				DNR's Answer	9/11/03
				DNR's Resistance to	
				Temporary	9/11/03
				Injunction	9/11/03
				Hearing on Temporary	9/29/03
				Injunction	9/30/03
				DNR's Brief in Resistance	1/14/04
				Roquette's Brief	1/06/05
				Ruling on Temporary	10/24/05
				Injunction	
				Trial Scheduling	
				Conference	
				Trial Date	

Schelling, Carl Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	10/18/04 1/27/05
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	UPDATED Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Contempt Hearing Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Granted Contempt Hearing Date	6/20/97 12/09/98 11/21/02 4/01/05 4/01/05 5/03/05 5/03/05 7/06/05
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
Stone v. Rembrand Enterprises, Inc. UPDATED	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Trial Date Ruling Dismissing Damage Claims	12/06/04 1/10/05 3/07/05 4/25/06 5/17/05

Contested Case

12/12/95	Vernon Kinsinger	6	Order/Penalty	AQ/SW	Tack	Hearing set for 8/22/05.
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. City will submit SEP proposal in June, 2005.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty. Refer to DIA.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.

1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Hearing set for 7/29/05.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKN monitoring requirements.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/W W	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	All tires have been removed. Follow-up inspection to be scheduled.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Investigating Brownsfields

						opportunities.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornso n	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen *	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	Settled. Awaiting return of consent order.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT- 03 through 03-UT-06)	4	Order/Penalty	UT	Wornso n	Compliance achieved except negotiating penalty/SEP before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 5/05 – Status report requested from Dept. engineer.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornso n	Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen *	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornso n	Compliance achieved. SEP proposed.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornso n	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT- 12)	6	Order/Penalty	UT	Wornso n	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT- 14)	6	Order/Penalty	UT	Wornso n	Negotiating before filing.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/SW	Tack	Hearing set for 8/01/05.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.

11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/SW	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Preziosi *	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/W W	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		Order/Penalty	UT	Wornson	Sent letter with settlement deadline 2/14/05. Tier 2 completed. Settlement proposed, complete by June, 2005.
3/01/04	Shenandoah, City of	4	Order/Penalty	AQ/SW	Tack	Settled. Settlement agreement sent 6/24/05.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/15/04	Regional Environmental Improvement Commission of Iowa County	6	Order/Penalty	SW	Tack	Settled. Penalty settlement received. Case closed.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/23/04	Michael and Keri Sickles	4	Order/Penalty	SW	Tack	Penalty rescinded. Case closed.
3/24/04	Lake Place	2	Order/Penalty	WS	Book	Unable to locate owner. Order will be rescinded.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	Richard Juhl	4	Order/Penalty	AQ/SW	Book	Referred to AG at 4/05 EPC meeting.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/26/04	Miles McDougal	3	Order/Penalty	AFO	Book	ALJ confirmed order with full penalty. Penalty plan in place and payments are on schedule.
5/03/04	Steven Grettenberg	2	Order/Penalty	AFO	Book	Settled. Consent amendment signed and penalty paid. Case closed.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.

5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	Order/Penalty	AFO	Clark	No petition filed. DNR filed for default. Awaiting decision.
5/11/04	Williams Brothers Garage	4	Order/Penalty	WW/S W/AQ	Tack	6/1/05 – New property owner is conducting the clean-up.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/12/04	Hunt Brothers; Chris Hunt	3	Order/Penalty	AFO	Book	Hearing set for 6/20/05.
5/13/04	Allen Hoepfer	1	Order/Penalty	AFO	Clark	No petition filed. DNR filed for default. Awaiting decision.
5/14/04	G & S Farms; Greg DeBoer	3	Order/Penalty	AFO	Book	Payment paid in full. Case closed.
5/14/04	Rural Iowa Solid Waste Mgmt.	2	Order/Penalty	SW	Tack	Settled. \$1,000 penalty settlement received 6/27/05. Settlement agreement signed. Case closed.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	Order/Penalty	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	Order/Penalty	WS	Book	Settled. Payment plan on schedule.
6/09/04	Kevin Miller	1	Operation Permit	WS	Hansen	6/24/04 – FO1 letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance. 3/17/05 – FO 1 reports that WS does not want to pursue appeal and they are complying with permit. WS to furnish letter dismissing appeal.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and engineering report submitted. Tentatively resolved. Hearing re-set for 7/22/05.
6/15/04	Environmental Sollutions, Inc.	4	Order/Penalty	SW	Tack	Settled. \$2,500 penalty settlement received. Settlement agreement signed. Case closed.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Negotiating before filing.
6/18/04	Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	Order/Penalty	AFO	Clark	Sent to DIA to be set for hearing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	Order/Penalty	AFO	Clark	Sent to DIA to be set for hearing.
6/25/04	Steve Renze	3	Order/Penalty	AFO	Clark	Sent to DIA to be set for hearing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/SW /WW	Tack	Site visit to be scheduled.
6/29/04	Imperial Properties	5	Order/Penalty	UT	Wornson	Negotiating penalty settlement. Set for hearing 6/06/05.
7/15/04	Dean and Sharon Gettler	4	Order/Penalty	AFO	Book	Default entered.

7/16/04	Ed Cook	3	Order/Penalty	AQ	Book	Negotiating before filing.
7/20/04	Chad Kooima	3	Order/Penalty	AFO	Book	Hearing set for 6/27/05.
7/26/04	B & B Sandhill Swine	1	Order/Penalty	AFO	Clark	Sent to DIA to be set for hearing.
7/26/04	Randy Gergen	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
7/27/04	John Hansen Farms	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
7/27/04	Steve Van Utrecht	5	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	Negotiating before filing.
8/17/04	Harold Dekkers	3	Order/Penalty	AFO	Book	Hearing set for 8/29/05.
8/19/04	F.J. Krob & Co.	1	Order/Penalty	HC/W W	Tack*	Negotiating before filing.
8/26/04	Jim Schmitz	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/30/04	Don and Bill Adam, Inc.	6	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
9/01/04	Iowa State University	5	Order/Penalty	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	No petition was filed. Dept. filed for default. Default granted.
9/10/04	Tschiggfrie Excavating Co.	1	Order/Penalty	WW	Tack	Follow-up inspection requested 5/19/05.
9/14/04	JK Farms, Inc.	3	Order/Penalty	AFO	Clark	Sent to DIA to be set for hearing.
9/14/04	Bill Schrock	6	Order/Penalty	WW/S W	Tack	Negotiating before filing.
9/20/04	David Meyer	6	Order/Penalty	AFO	Book	Hearing set for 6/27/05.
9/21/04	P & W Egg Co.	4	Order/Penalty	AFO	Book	Penalty payment received. Case closed.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Meeting schedule for 5/31/05. Meeting to be rescheduled at the request of EnviroBate.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	Order/Penalty	AFO	Clark	Negotiating before filing.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	Negotiating before filing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Hearing set for 9/30/05.
10/14/04	Garlen Perry; Paula and Percilla Lattin	4	Order/Penalty	AQ/SW	Book	Consent amendment final with Lattin. Continuing to work with Perry.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen *	Negotiating before filing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
10/26/04	S & V Fence & Deck Co.	6	Order/Penalty	AQ	Book	Settled. Awaiting signed consent amendment.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Settlement meeting to be set.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
11/03/04	Patrick M. Pinney Contractors	3	Order/Penalty	AQ	Book	Negotiating before filing.
11/03/04	Greg Vanden Bosch; G & T Eggs	3	Order/Penalty	AFO	Book	Hearing set for 8/30/05.
11/03/04	Leland Heisdorffer	6	Order/Penalty	AQ/SW /WW	Tack	ALJ decision issued 5/24/05. ALJ decision appealed to EPC.
11/05/04	Darrel Behrens; Kelly Behrens	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
11/09/04	Donald Hopp	4	Order/Penalty	SW	Tack	Clean-up is underway.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
11/15/04	Acme Fuel & Materials	6	Order/Penalty	AQ	Book	Settled. Consent amendment in place, awaiting penalty payment.
11/19/04	Steve Bouchard	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
11/30/04	James Brown	3	Order/Penalty	AQ	Book	Waiting to hear from parties on settlement offer.
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Clark	Negotiating before filing.

12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
12/06/04	O-C Trailers, Inc.	3	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
12/07/04	Crestview MHP	5	Order/Penalty	WW	Hansen	Hearing set for 6/24/05. 4/05 – Petition filed, continuance requested by MHP. 5/05 – Answer filed. Hearing reset for 7/13/05.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/17/04	Greg Gerber	3	Order/Penalty	AFO	Book	Hearing set for 9/19/05.
1/03/05	Paul Rehder	3	Order/Penalty	AFO	Clark	Negotiating before filing.
1/04/05	Matt Gehling	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	Negotiating before filing.
1/06/05	E & N Farms	3	Order/Penalty	AFO	Clark	Negotiating before filing.
1/07/05	Wayne A. Staab	3	Order/Penalty	AQ	Preziosi	Hearing held 5/31/05.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement meeting held 3/07/05. Follow-up regarding non-penalty issues and penalty settlement.
1/19/05	Consolidated Energy	4	Order/Penalty	UT	Wornson	Negotiating before filing.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
1/25/05	Jim Hawk Truck Trailers	6	Order/Penalty	UT	Wornson	Negotiating before filing.
1/31/05	James Karthan	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
2/03/05	Olsen Fuel Supply, Inc.	4	Order/Penalty	UT	Wornson	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/08/05	Crestview Mobile Home Park	5	Permit Conditions	WS	Hansen	Hearing set for 6/24/05. 5/05 – Petition and Answer filed. Continuance requested by MHP. Hearing reset for 7/13/05.
2/14/05	Rick Halma	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
2/16/05	Rick Nikkel	5	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/03/05	Ivan Kenney	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Follow-up inspection requested 5/19/05.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	Negotiating before filing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	Negotiating before filing.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/23/05	Patrick Jones	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
3/25/05	Fran Oil Co. (2 AOs)	4	Order/Penalty	UT	Wornson	Negotiating before filing.
3/25/05	Genesis Two Holdings	1	Order/Penalty	UT	Wornson	Negotiating before filing.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/31/05	Stewart Construction, Inc.	3	Order/Penalty	AQ/SW	Tack	Clean-up completed.
3/31/05	William Butterfield	2	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.

4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	Negotiating before filing.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Negotiating before filing.
4/13/05	H & K Pony Express; Roger Holland	6	Order/Penalty	WW	Wornson	Negotiating before filing.
4/15/05	Reginald Parcel	6	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
5/02/05	Goettsch Trucking and Seed Co.	3	Order/Penalty	HC	Wornson	Negotiating before filing.
5/12/05	Atlantic, City of	4	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
5/20/05	Midwest Tennis & Track	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/25/04	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	Negotiating before filing.

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period June 1, 2005 through June 30, 2005, 6 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '05	18(9)	0.138	0.003	3	0(0)
June '05	6(7)	0.302	0.027	0	0(0)
July '04	3(5)	0.354	0.072	2	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	1	1	2	2

INFORMATIONAL ONLY

GENERAL DISCUSSION

Donna Buell asked about CDI, LLC.

Ed Tormey said that we will be setting up a meeting w/ CDI and the Attorney General in August, which should bring everyone on the same page.

Wayne Gieselman discussed that E-85 is becoming more readily available, though it seems to be demanded more in small farm communities.

Wayne thanked the interest groups for their participation and comments.

Wayne addressed the idea that was raised about having the DNR give advice to communities to help with addressing their water quality issues. The Department needs to be careful because we are a regulatory body. In the end we would be approving a plan that we gave advice on. That is why we have a consultant engineer helping us.

Mississippi River Parkway Commission

Liz Christiansen said that this Commission is conducted to come together semi-annually for a meeting along the river. The Governor appoints one commissioner from both the Natural Resource and Environmental Protection Commission. All costs would be reimbursed.

Motion was made by Lisa Davis Cook to nominate Mary Gail Scott to represent the EPC on the Mississippi River Parkway Commission. Seconded by Donna Buell. Motion carried unanimously.

Mary Gail Scott accepted the nomination.

Henry Marquard suggested that the Commission write articles to their local newspaper regarding the public meetings and the importance of water quality.

NEXT MEETING DATES

August 15, 2005 – Public Library in Fairfield, Iowa

ADJOURNMENT

Motion was made by Henry Marquard to adjourn the meeting. Seconded by Donna Buell. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Vice chairperson Jerry Peckumn adjourned the meeting at 5:00 p.m., Monday, July 18, 2005.

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Lisa Davis Cook, Secretary

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